SENATE—*Wednesday, April 16, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, this is one of those days when we really need two alarm clocks: One to wake us up and the other to remind us of why we are up. Give us a two-alarm wake-up call every hour of today—an alarm to go off inside us to wake us up to the wonderful privilege of being alive, and the other to claim the wondrous power You offer us to do Your will in all the responsibilities and challenges You have given us.

Keep us sensitive to see You at work in the world around us, active in the lives of people and abundant in Your blessings. Astonish us with evidences of Your intervening love. When we least expect You, You are there. May we never lose the capacity to be constantly amazed by what You are up to in our lives and the lives of people around us. You have taught us that a bored, bland, unsurprisable, unamazed person is a contradiction in terms.

So, Lord, give us courage to attempt what only You could help us achieve. Renew our enthusiasm; invigorate our vision; replenish our strength. With eyes, minds, and hearts wide open, we press on to the day. In the name of Him who gives us abundant life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until the hour of 1 p.m. to accommodate a number of Senators who have requested time to speak. That is 3 hours, but we have those requests that have been made, and we have a Senator waiting to begin speaking now. So we will accommodate those requests.

It is my hope that an agreement will be reached this morning to begin consideration of H.R. 1003, the so-called assisted suicide bill. If an agreement is reached, Senators can expect to begin consideration of the bill at 1 p.m. with a 3-hour time limitation. Therefore, Senators can expect rollcall votes this afternoon. I would expect at least one and possibly two. As always, I will notify Senators of the voting schedule as soon as possible.

I yield the floor, Mr. President.

The PRESIDENT pro tempore. The able Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 587, S. 588, S. 589, S. 590, and S. 591 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. I thank the Chair and yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I would also like to ask unanimous consent I be allowed to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FUTURE OF THE NATIONAL PARK SERVICE SYSTEM: A PLAN FOR LEADERSHIP

Mr. THOMAS. Mr. President, I want to talk about a subject that is very important and close to my heart, and that is national parks, for at least two reasons. One is I grew up right outside of Yellowstone Park in Wyoming. We have Teton Park in Wyoming as well.

I am also chairman of the Subcommittee on National Parks. We have had a series of two hearings on the future of the National Park System, and, as chairman, I am committed to the formulation of a proparks agenda which will allow us to enrich parks well into the next century.

Before speaking on the issue of the future, however, let me briefly discuss the current status of the system and some of the real problems that do confront us. Today's National Park System is comprised of 375 park units and is visited each year by millions of visitors. The parks are immensely popular destinations, of course, intended to protect and commemorate this country's most significant natural, historical, and culture resources.

According to recent testimony from our hearings, this diverse collection of units stimulates over $10 billion annually in revenue to local economies and supports 230,000 tourism-related jobs. Each year, 12 million foreign visitors are drawn to our parks, contributing significantly to a $22 billion international travel trade surplus. So, in addition to protecting our most precious resources, they are also an economic stimulus, of course.

The Park Service is currently authorized to employ 20,342 full-time workers. This system includes approximately 80.2 million acres. The 1997 budget is authorized at roughly $1.4 billion.

This relatively small agency, managing a large land base enjoying unparalleled popularity and generating significant tax and business revenues, faces a pressing dilemma. At a time when the American taxpayers are serious about smaller Government and lower taxes, Americans have also demonstrated an equally serious interest in their parks. Unfortunately, their interest has not, as yet, been translated into a serious and long-range plan nor commitment for the care of parks. The result is a legacy of critical problems plaguing the National Park Service.

Today, we face an overwhelming inventory of unfunded National Park Service programs. Over the years, the National Park Service has been pulled in a wide variety of directions. Each change, each new direction, each new responsibility has caused an adverse effect in the system.

The Park Service has proven beyond a reasonable doubt that you can do more with less. But, in adding new areas and new responsibilities, the agency is forced into a scenario of doing less with less in terms of service and protection. As a result of decisions made by the Congress and the administration, we face an unbelievable backlog of unfunded Park Service programs. The budget shortfall is staggering. Let me touch briefly on some of the problems.

Within the 375 units of the Park Service we have approximately $1.4 billion of authorized land acquisitions. These are private lands that are authorized within authorized park boundaries, but these lands have never been acquired. There are 823 billion dollars worth of national resource management projects which have gone unfunded. It is almost impossible to make a sound management decision based on scientific evidence if we are lacking the basic information on the extent and the condition and the inventory of these valuable natural resources.

It is more than difficult to protect something if you do not have a clue as to what you are protecting.

In the area of cultural resource management projects, the unfunded backlog is $331 million. Again, these valuable cultural resources are not protected or stabilized.

There are 1.5 billion dollars worth of building-related projects for which there is no budget provision. For the benefit of my colleagues, I would like to point out that if Congress decided to fully fund this item, we would only provide needed repairs to existing deteriorating facilities. No new facilities would be constructed under this scenario.

There are $304 million of utility systems that are in advance states of disrepair throughout the system. Potable water and sewage systems that meet specifications are an absolute necessity if we want visitors to continue to come to our parks.

In the identified resource protection work that needs to be accomplished, $1.8 billion would begin to arrest the digression of natural resources of our parks before we lose those resources that we are committed to protect.

Mr. President, $2.2 billion is required for road and bridge repair and transportation systems. In my own State of Wyoming, the cost of road repair in Yellowstone Park exceeds $300 million. This cost will automatically increase if the road repairs are ignored.

I might add, in the last few years, something like $8 million has been committed to this $300 million deficit.

In many cases, employee housing is substandard. There are parks where the occupants of the National Park Service need not look outside to see if it is snowing. They only have to check the snow level in their living room. The pricetag to get employee housing to an acceptable standard is $442 million. If we cannot afford to take care of the caretakers, then there is something radically wrong.

The total unfunded backlog in maintenance, resource stabilization, infrastructure repair and employee housing is $8.7 billion. This price tag does not include the concessions which also need, of course, to keep pace.

Mr. President, $8.7 billion is a major problem. We need to take positive steps to correct this deficiency. Forward-thinking, new, innovative approaches will be required. It is a problem that cannot be resolved in the short term.

I am happy to report, however, that there is, I think, reason for optimism and a favorable prognosis. It is going to be difficult, but I think we can do it.

As a result of our hearings on the future of the parks, there are many ideas to be discussed and evaluated, but now is the time to address the long-term solutions and to reinvigorate the National Park Service so that our park system will stand as an example to the world well into the next century.

Most importantly, we need to ensure that we are conserving and protecting the resources, protecting the natural and historic objects and the wildlife, while at the same time ensuring that the parks will be visited and will be an enjoyable experience.

Within the next few weeks, we plan to circulate a strategic plan to our colleagues and to the administration which will chart a course to deal with this serious dilemma, a plan to serve as a foundation for a program to reinvigorate the parks by the year 2010.

The Thomas plan—we have not thought of a better name—will contain some proposals for legislative initiatives, as well as some concepts that the administration can implement. As a result of our hearings on the future, it became very apparent that we need to incorporate some of the best ideas.

Several financial concepts will, out of necessity, be discussed. As a start, the plan will include a bonding initiative. Many of our parks are essentially small villages or towns. In essence, they are towns that are required to have roads and utility systems and infrastructure. It seems to me we cannot expect to bring those up to operating condition out of annual operating funds. So the municipalities can show us the way. They have over the years bonded to do that. We do not have the money.

The process is relatively simple. We can establish a Federal corporate entity within the Department to administer the bonds. We need to establish a dependable system to pay off the bonds, and we can do that. There are additional options that ought to be considered.

I anticipate our plan would be built on the fine work of Senator GORTON in the last session making the fee demonstration permit and extending it to all units of the national parks, a proposal where the revenues collected in those parks stay where they are collected.

A number of our witnesses spoke about establishing a strict criteria for the establishment of new additions. When we are $8.7 billion behind, we need to be careful about the additional authorizations we make. This is not suggesting we should delete any of the units, but we ought to be careful about the new ones and, frankly, not make a political decision that a State park or local park be converted to a Federal park so the Feds will take over. The Park Service was never intended to be a redevelopment agency.

There are other programs, of course, that need help. Our plan will include a concession reform which turns away from the failed practice of trying to repair and refurbish the existing and inadequate law. We will take an innovative approach and, hopefully, there will be some higher fees paid to maintain the parks.

We should turn to the private sector for expertise in the management and operations of concessions. These are multimillion-dollar programs.

As a result, we ought to have an asset manager in the Park Service—it is a huge financial operation—someone who is experienced and who has a background and training in assets. We can do that.

On a different issue, our hearings revealed the need for better employee training. We can do that, largely with the use of universities and schools that are there.

We need to continue progress made in more cost-effective management, insisting on efficiency-oriented management goals, linked with the reduction of the size of the Washington office and put the folks in the parks where they really need to be. I am not suggesting a personnel reduction, but I am suggesting a reallocation.

Many of our parks are funding maintenance departments that would be the envy of small towns. There are ways to streamline this. There is no reason why the private sector cannot be contracted to do many of these things and do them more efficiently and save money.

Mr. President, the Park Service identifies backlogs and other problems. It is fine to do park planning, but the process and the content needs to be timely and realistic. Park general management plans have been sitting on the shelves for years. It is time to update, implement and really go forward.

This is an ambitious agenda, but, in my opinion, there are concepts that can be enacted. We can collectively achieve a great victory in the preservation of something that we all support.

My home State of Wyoming is now famous for its parks—Yellowstone, Tetons, Devils Tower. Like most Americans, I take great pride in those. So we want to set a standard for national parks for the 21st century. We have invited, of course, the administration to join with us. Among other things, I have sent a letter to the President asking that he appoint a park director. There is not one now. In order to have some plans and work together, we do need some leadership there.

I am suggesting and want my colleagues to know I am prepared to undertake this issue, and together we can cause something constructive to happen. We have a great opportunity. The time is now, the time is right, and I am willing to work any time with anyone to bring the National Park Service into the 21st century alive, vibrant, efficient, effective, and lasting, more importantly, an agency that would provide excellent service to visitors and provide excellent service to the resource. We can do that.

Mr. President, I thank you, and I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me thank my colleague from Wyoming for

his statement and his sincere commitment to our National Park System. As chairman of the Parks Subcommittee of the Energy and Natural Resources Committee, he offers this country tremendous leadership in the area of parks and park management. I am sure his statement this morning is well received and clearly demonstrates some of the difficulties our Park Service now experiences that this Congress ought to be actively and responsibly dealing with.

(The remarks of Mr. CRAIG pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

MINNESOTA FLOODS

Mr. GRAMS. Mr. President, I rise today to discuss my visit to Minnesota last week to see firsthand the floods that have ravaged my State, as well as North and South Dakota, and the damage left behind in the water's wake. For the many Minnesotans who live and work in counties devastated by these floods, this continues to be a very difficult and emotional time.

Let me say first that President Clinton has approved the request of Minnesota Governor Arne Carlson to declare an additional 25 counties a major disaster area. That would help to bring to 46 the total number of counties eligible to receive Federal disaster assistance.

As Governor Carlson said in making his request to the President, this assistance will help to get people back into their homes.

The worst may not be over for many Minnesotans, however, especially those in the Red River Valley. Upstream on the Red River at Breckenridge, over 400 people were evacuated yesterday from the southern section of the community. It appears that the river may have stopped rising, and efforts will continue today to try and save the rest of the city.

There is still the danger that the river might crest all at once from Wahpeton south of Fargo to Grand Forks on the north because of water created by melting snow.

Last Thursday, I traveled with Senators CONRAD and DORGAN of North Dakota, Senator WELLSTONE of Minnesota, and other members of the congressional delegation, along with James Lee Witt, the Director of the Federal Emergency Management Administration, to the cities of Ada, Moorhead, and many others. I traveled the next day with Vice President AL GORE to survey the damage in Breckenridge and elsewhere in western Minnesota.

On Saturday, I visited Red Cross and emergency service centers with Minnesota Lieutenant Governor Joanne Benson. At each stop over those 3 days, we witnessed widespread devastation and the strength of Minnesota's community spirit, as we spoke with many citizens whose lives have been turned upside down by the floods.

The disastrous flooding has severely disrupted the lives of many Minnesotans. Dreams of enjoying warm spring weather after a brutally long Minnesota winter has been replaced with efforts to ensure families and communities are safe and that adequate food, water, and shelter is available.

I am pleased that both State and Federal tax filing deadlines have been extended for those taxpayers living within the disaster areas.

Later this week, I will introduce legislation modeled after a bill I signed into law during the Midwest floods of 1993 to help ease lending regulations in those disaster-declared areas as well. This will make it easier for the restructuring of loans and prevent unnecessary foreclosures on farmers and other small businesses. The flooding—and the snow, the ice, and the cold that made relief efforts extremely difficult—has been an exhausting nightmare for those who are in it, and it has been agonizing for the rest of the Nation to watch. The Minnesotans I met with at the flood sites we traveled to have been tested time and time again.

The floods of 1997 are creating an agricultural disaster as well. While hard numbers do not exist yet, more than 2 million acres of Minnesota cropland are now under water, affecting thousands of farms, and all of Wilkin County's 400,000 acres of cropland are flooded. In Clay County, it is 200,000 acres under water.

It has been estimated that farmers who already lost more than $100 million due to the blizzards that caused the floods could now have flood losses totaling over $1 billion.

Dairy farmers have been hit especially hard, forcing them to dump hundreds of thousands of pounds of milk because milk trucks could not reach them. The biggest problem has been getting out to the farms that are surrounded by water.

Spring planting, which is normally just 2 weeks away, will be a problem in parts of southern Minnesota. Along the Red River Valley, more than 40 percent of the sugar beet crop is normally planted by the end of April. No one will be planting by then this year.

According to the National Weather Service, flood warnings remain in effect until April 20 along the Mississippi from St. Paul to Red Wing, as well as for portions of the St. Croix and the Minnesota rivers.

Red Cross volunteers have begun to close emergency shelters and are now distributing flood cleanup kits. By the end of last week, the Red Cross had served more than 55,000 meals to sandbaggers and those people in shelters.

While tough times are still ahead, I was moved by Minnesotans coming together for the common goal of protecting and cleaning up their communities.

In Ada, people are tense, weary from days of flood relief work, and still shaken by their losses. For those lucky enough to remain in their homes, the loss of heat and electricity were devastating in the harsh, winter-like conditions.

You may have read the story of Ada residents Warren and Colleen Goltz. Although the Goltzes lost electricity as water in a nearby drainage ditch began to rise, they decided to stay in their house. Four feet of water seeped into the basement, ruining many of their possessions.

They burned old newspapers in the fireplace to keep warm, but the temperature fell to 38 degrees. Finally, a friend arrived with a generator, another dropped off firewood, and another opened his house so they could use the phone.

As Rev. Earl Schmidt of the Zion Lutheran Church of Ada said, "It's going to make us much more caring for each other. I hope it makes us look to God more, obviously. And it's given us a quick lesson in survival."

We have been inspired once again by people of Minnesota, who have rallied together for their communities as they always do when tragedy strikes. It is during critical times such as these that we finally understand the importance of neighbor helping neighbor.

At a time when we rarely make the effort to get to know and appreciate our neighbors, Minnesotans in a great many of our communities have formed lasting bonds over this past week and found their civic spirit had been restored.

Mr. President, I was equally impressed with the efforts of Minnesota's young people. All too often we hear and read about young people who are not responsible, who do not care about their community.

Last week, I witnessed countless occasions when young and old worked together, filling and hauling sandbags, feeding those who had lost their homes, and finding them shelter. They set a remarkable example for the rest of the Nation.

Much work has been done, but the most difficult work is yet to be accomplished, and that will be the cleanup that takes place over the next few months, after the news crews have moved on, the TV cameras have been hauled away, and the spotlight has shifted to another part of the country.

I will be working with the Governor's office and with local officials to ensure that available Federal assistance will be distributed to those counties that so desperately need it.

Mr. President, last week I witnessed neighbor helping neighbor and volunteers working side by side to help save

their communities. It is this kind of determination that will lead people through these difficult times, as we deal with what one Minnesotan described as "a flood frozen in place."

Thank you very much, Mr. President. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we have reserved an hour, I believe, in morning business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, a number of my colleagues will be on the floor presently. I would like to begin the hour and will be yielding time to some of my colleagues. But I do want to follow, in the first 5 minutes or so, the remarks of the Senator from Minnesota, Senator GRAMS, on the issue of flooding.

We intend, during this hour, to talk about the chemical weapons treaty and the critical vote that will be coming up on that in the Senate next week on that issue. I will get to that.

FLOODING IN THE NORTHERN GREAT PLAINS

Mr. DORGAN. Mr. President, first, let me respond to the issue of flooding. The Senator from Minnesota said it very well. I was with him as we toured part of the Red River Valley last week.

The Red River, which is one of the only rivers that I know of that flows north, flows into a watershed up north that is still frozen. The Red River often has problems with flooding. We often cope with the challenges of dealing with a flood in the Red River. But this is a flood of historic proportions, a century flood, on the heels of a winter in which we had five to seven blizzards, the last of which a week and a half ago put, in many cases, up to 20 inches of snow in our region.

A massive flood, the worst blizzard in 50 years, massive power outages all around the region, and then you understand a little about the challenges faced by people in the Northern Great Plains.

This has been very, very difficult. The Red River today has turned into a lake that is now 200 miles long. If you fly over it, it is almost inappropriate to characterize it as a river. It is a 200-mile lake that is held in by the heroic efforts of some people to fill bags with sand and stack them on top of each other and hope that that sandbagging will keep water from their homesteads, their farms or their houses.

Also, there are the heroic efforts of the Corps of Engineers, contracting with wonderful contractors to build emergency dikes. It is some effort in North Dakota, Minnesota, and South Dakota to watch the fight to stem the tide of this difficult flood.

Last weekend, I was in a shelter in Grafton, ND, where people had gone in order to seek refuge. They had been for days without any electricity in their homes. An 89-year-old woman living alone in her home had finally decided, "I must go to a shelter." I talked to her, and typical of the tough, gritty Norwegian and German stock in North Dakota, she said, well, it was not so bad, that, you know, she was getting through it—89 years old, no complaints, fighting the flood, fighting the elements, living in a shelter, but she knew that we would get through this. And that is the spirit that exists in our part of the country.

There was a woman in north Fargo named Sylvia Hove. Just before I left, to come back to the Senate here in DC for votes this week, I stopped by Sylvia's house. The amount of diking they had to do to keep the wall of water out from the back of her house and her backyard is truly extraordinary. Then, at 4 o'clock in the morning, with this very tall dike that they had built—and I helped pile some of the sandbags on that dike the week previous—the dike springs a leak.

Sylvia's son, who is there from out of State, hailed down a policeman. The policeman put out the alert on the radio. And at 4 o'clock in the morning there were four policemen there, just like that. The policemen routed their cars, stacking sandbags, dealing with the leak in the dike until others came.

It is the way that neighbors have helped neighbors, and, yes, in Minnesota, in Breckenridge, the North Dakota side, all up and down, especially the valley, the Red River Valley in North Dakota and Minnesota.

Unfortunately, this is a flood that comes and stays. Most floods we see on television are some raging river, completely out of control, taking houses with it down the middle of the stream. That is not the way the flood on the Red River occurs. It is a river that runs north; it runs very, very slow. It has a very insignificant grade, and the result is the crest comes but the flood will stay for a long, long while.

They will be fighting the flood in North Dakota and Minnesota yet for some weeks. It is truly a very significant challenge and a heroic effort on the part of mayors and city councils and young people and old folks and just ordinary folks who are doing extraordinary things to try to deal with this calamity.

I was at a sandbagging operation in Grand Forks. They put out a call for volunteers. I went into this giant area where they have two big sandbagging operations. There must have been 200 volunteers there ranging from 15 years old, I think, probably to 80 years old, all of them working hard piling sandbags on trucks. It really is quite an extraordinary thing to see.

There are a couple of outstanding issues. The head of the Corps of Engineers, Colonel Wonsik, called me last evening at home and gave me a description of where we are with respect to Wahpeton and Breckenridge, Fargo, Grand Forks, Grafton, Drayton, Pembina, all the way up and down the valley. He feels that they are making some progress, but it is an enormous challenge.

The mayor of Fargo called me about an hour ago. Again, it is an enormous challenge, but they are fighting a significant battle. All of the preparation they are doing is preventing the enormous damage that could have been done had we not had the diking that is now in place.

Some have asked the question about the emergency help that is going to be available on a 75 percent/25 percent ratio, 75 percent Federal, 25 percent State and local. The Governor had asked for a 90–10 ratio. I will just observe on that point the folks in FEMA and the administration have a formula: If the damage in a region goes above $40 million, then they go to a 90–10 formula. That will almost certainly occur in our region, probably has already occurred. That will be retroactive. So it is almost certain that our region will have this 90–10 formula in which the rest of the country reaches out in a disaster to say, we are here to help you, just as we have reached out on earthquakes and tornadoes and floods in other regions of our country. So that is something that is important.

Second, the Internal Revenue Service has been very helpful. As you know, there was a traffic jam in the District of Columbia last night; people at midnight trying to post their income tax returns on time. The Internal Revenue Service extended the date for filing to May 30 in the Dakotas and Minnesota where disaster has been declared. That is going to be helpful. They indicated they did not have authority to waive the interest charge during that 45-day extension.

I introduced a piece of legislation last evening in the Senate to waive that interest charge. It seems to me if the IRS says—and I appreciate the fact they have said it—that a tax return will be timely filed if it is filed by May 30, you ought not charge the interest on something you consider timely filed. So I would like to see that interest charge waived.

But we very much appreciate the cooperation of the Internal Revenue Service. People out there trying to man dikes and fill sandbags and so on are not able to get back to find their records to file a tax return if they had not already done it. They have been working on this flood and responding to it now for several weeks, so we appreciate the cooperation of the Internal Revenue Service.

I especially, as I conclude, want to echo the words of the Senator from Minnesota. The men and women in our

region of the country have had about as tough a time as you can have this winter and now this spring. I am enormously proud of what they are doing. I have been privileged to be there the last two weekends and most of the week previous to be a part of that. We will get through it. North Dakotans and Minnesotans and South Dakotans are tough people who have faced tough challenges in the past. We will get through it and rebuild and have better days ahead of us.

THE CHEMICAL WEAPONS TREATY

Mr. DORGAN. Mr. President, next week we will have an enormously important vote in the U.S. Senate.

There are days when people come to the floor of the Senate and debate almost nothing or find almost nothing to debate about. But, of course, almost nothing can provoke a debate in the Senate. We tend to get involved in discussions back and forth and find reasons to dispute each other over the smallest word or the smallest nuance in a piece of legislation. Sometimes that is a little frustrating, especially if you came here wanting to do some important things and some big things.

Next week we will do something important and tackle a big issue. It's the chemical weapons treaty. It is an attempt by a group of countries, hopefully including our country, to ban an entire class of weapons of mass destruction.

The negotiation on a Chemical Weapons Convention to ban chemical weapons was begun by President Ronald Reagan. President Bush was active as Vice President and as President in supporting the treaty. The treaty was the great achievement of the last month of his administration. Today, he very strongly supports ratification. President Clinton back in 1993 submitted the treaty to the Senate for ratification.

This treaty is the result of decades of negotiation and leadership by our country. The treaty which came from those negotiations needs to be ratified by the U.S. Senate, and it has been hanging around for some long while. It was supposed to be voted on last year, but it got caught up in Presidential politics. We need to ratify it by April 29 if we, as a country, are to be involved in the regime that sets up the monitoring and the processes by which this treaty is implemented.

We are told that next week we will vote on this treaty. We also understand that it is going to be a close vote. I want to tell you why I think this is important. We will have several other Members of the Senate here in the next hour to describe why it is important from their standpoint.

What are chemical weapons? Well, simply, they are poison gases, horrible weapons of war, highly toxic gases or liquids that can be used in bombs, rockets, missiles, artillery shells, mines, or grenades. This treaty says let us ban entirely poison gases, let us outlaw this class of weapons completely.

Some do not like any treaties on arms. Some in this Senate will stand up and say we should not have arms treaties. Some have opposed START I, START II, the nuclear arms treaties. They are inappropriate, they say.

Well, I held up on the floor of the Senate about a year ago a piece of metal about the size of my fist. The piece of metal came from a missile silo, a silo that housed a missile in Pervomaisk, Ukraine, a silo that held a missile with a nuclear warhead that was aimed at the United States of America.

I held up a piece of that silo in my hand because the silo has been destroyed, the missile has been destroyed, the warhead is gone, and where a missile once sat, aimed at the United States of America, is now a patch of dirt planted with sunflowers.

Why was a missile taken out, a silo destroyed, and sunflowers planted where there once was a missile aimed at the United States? Because the arms control treaties required it—required it—required that missiles be destroyed. We are destroying missiles on nuclear weapons. So is the former Soviet Union. The Ukraine is now nuclear free. The fact is, we have had success with arms control agreements. Are they perfect? No. Do they work? Yes. We have had success with arms control agreements. This is a treaty on arms control. We need to ratify it. We will vote on that next week.

Let me describe, again, what this is about. It is a treaty to try to ban a class of weapons of mass destruction. Not many people probably know what chemical weapons are. I really don't. I have obviously not seen chemical weapons used. Very few people have.

Let me read from a poet, Wilfred Owen, a famous poet from World War I, and the lines he wrote about a gas attack. Germany was the first nation in modern times to use chemical weapons, in the World War I battle at Ypres, a town in Belgium, April 22, 1915. It is said that a hissing sound came from German trenches as 6,000 cylinders spewed chlorine gas aimed at the allied lines. That is a gas that attacks the lungs, causes severe coughing and choking and death. It had a devastating effect on the allied soldiers, who were unprepared. Soldiers breathing that gas began to cough up blood, their faces turning purple, their bodies writhing in the trenches. There were 15,000 casualties that day, we are told. Chlorine gas, mustard gas, and blister gas caused a million casualties in World War I.

Wilfred Owen, the poet, wrote a description of a gas attack in the First World War. A company of exhausted soldiers is marching back from the front lines, when suddenly someone shouts:

"Gas! GAS! Quick, boys!"
An ecstasy of fumbling,
Fitting the clumsy helmets just in time;
But someone still was yelling out and stumbling;
And flound'ring like a man in fire or lime. . . .
Dim, through the misty panes and thick green light,
As under a green sea, I saw him drowning.
In all my dreams, before my helpless sight,
He plunges at me, guttering, choking, drowning.
If in some smothering dreams you too could pace
Behind the wagon we flung him in,
And watch the white eyes writhing in his face,
His hanging face, like a devil's sick of sin;
If you could hear, at every jolt, the blood
Come gargling from the froth-corrupted lungs,
Obscene as cancer, bitter as the cud
Of incurable sores on innocent tongues. . . .

That is Wilfred Owen describing a gas attack, an attack using chemical weapons.

Modern armies have the capability of protecting themselves in many circumstances against chemical weapons with protective devices and protective gear.

But of course civilians are the most vulnerable to chemical weapons. Perhaps the example that most of us remember was the attack at the Tokyo subway by a terrorist group, a cult headquartered in Japan but active in America. They used the nerve gas sarin in a terrorist attack. The cult released the gas on March 20, 1995, during the morning rush hour at a busy Tokyo subway station. In that attack, 12 were killed, over 5,000 were injured. We are told that it was very close to a circumstance in which thousands would have been killed from that attack. We all remember the frightening television images of people staggering up out of the subway with their handkerchiefs over their mouths and collapsing on the street. Not surprisingly, the Japanese Diet, or parliament, ratified the chemical weapons treaty within a month of the Tokyo subway attack.

This raises the question of why the Senate has yet to do the same.

Why would people come to the floor of the Senate and say this is an inappropriate treaty and they intend to oppose it with every fiber of their being? Let me go through some of the myths we will hear about the chemical weapons treaty.

Myth one: by ratifying the chemical weapons treaty the United States will surrender a vital deterrent to chemical attack. That is not true at all. This is not about our weapons. It is about other countries' weapons. President Reagan already made a decision back in the 1980's that we were going to get rid of our stock of chemical weapons. The question now is whether other

countries will similarly abandon their stock of chemical weapons and join us in an approach that will verify that other countries in the world are not producing chemical weapons.

Myth two: rogue states will refuse to join the treaty, so it will only tie our hands, not theirs. As I just indicated, we are not producing chemical weapons, we are destroying the stock of chemical weapons we now have. So it will not tie our hands. But the Chemical Weapons Convention will shrink the chemical weapon problem down to a few rogue states and help curb their ability to get the materials necessary to make chemical weapons.

Some say if you cannot prevent murder why should you have a law against murder. Common sense says murder is wrong, you have a law that provides penalties for murder. The production of chemical gasses ought to be wrong and we ought to have a convention that says we intend as a country to be part of an effort to ban it from the world. The fact we might have a few rogue nations wanting to produce them does not mean we ought not decide to ratify this treaty. What we ought to do is join all of our friends around the world who feel similarly and go after the rogue nations to demand and make certain that they are not producing chemical weapons.

The treaty is unverifiable, people say. Well, no treaty is perfectly verifiable. We should not be making the perfect the enemy of the good. We will be able to adequately verify this treaty.

The military use of chemical weapons requires significant testing and equipping or training of forces that will be difficult to hide in the face of the kind of investigation that will occur if this treaty is approved.

I will intend to proceed further with the myths that we will hear on the floor of the Senate about the Chemical Weapons Convention, but let me do that at another time, because I intend to come to the floor on a number of additional occasions and talk about this subject. But other Senators are joining me on the floor to speak about this. Senator LEVIN from the State of Michigan is here. He has been one of the most eloquent spokesman on this issue in the U.S. Senate and feels passionately about it. I am pleased he has joined me. Senator BINGAMAN is also coming to the floor, as are a couple of others.

I yield such time as he may consume to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Michigan.

Mr. LEVIN. I thank the Chair, and I thank my good friend from North Dakota. His eloquent voice is indeed critical to the ratification of this convention.

It is long overdue, Mr. President, that the Senate take up the Chemical Weapons Convention and that we promptly provide our advice and our consent to its ratification so that the United States can join the convention as an original party.

I will focus just for a few moments this morning on the military issues and the military implications as they relate to the Chemical Weapons Convention from my perspective as the ranking member on the Armed Services Committee.

Under the 1985 treaty which was signed by President Reagan, we are already unilaterally destroying our stockpile of unitary chemical weapons. We are doing this without a treaty, without being required to do so, because of our own decision as to their limited military usefulness. This process is scheduled to be completed by the year 2004. This is a point which Secretary Cohen makes very, very effectively.

This is not an issue of saying we will give up our chemical weapons if the other guys do the same thing. We are already unilaterally destroying our chemical weapons. The question now is whether we will join a convention where other countries are going to do what we are already doing unilaterally. So the destruction of our chemical weapons will take place whether or not the Senate ratifies this convention. It will require other nations to do what we are already doing and will reduce the risk of chemical attacks against our troops and our country in the process.

This convention will enter into force on April 29, with or without the United States being a party. So the question before the Senate is not whether the Chemical Weapons Convention is a perfect treaty. It is whether or not we want the United States to have a role in overseeing and implementing this convention so that it greatly enhances our security. Our military and our civilian defense leadership give a resounding yes to the question of whether or not the United States should ratify this convention.

First, here is the testimony of General Shalikashvili, the Chairman of our Joint Chiefs of Staff, before the Foreign Relations Committee, last March 28, 1996. This is what General Shalikashvili said:

From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The Convention's advantages outweigh its shortcomings. The United States and all other CW capable state parties incur the same obligation to destroy their chemical weapon stockpile. While less than perfect, the verification regime allows for intrusive inspections while protecting national security concerns. The nonproliferation aspects of the convention will retard the spread of chemical weapons and, in so doing, reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict. Finally, while foregoing the ability to retaliate in kind, the U.S. military retains the wherewithal to deter and defend against a chemical weapons attack. I strongly support this convention and respectfully request your consent to ratification.

General Shalikashvili told this to the Foreign Relations Committee a year ago.

Then he said in another point in his testimony to the Armed Services Committee last month that all of the chiefs of staff and the commanders in chief of our combatant commanders support the Chemical Weapons Convention. He told the Senate Armed Services Committee, "I fully support early ratification of the Chemical Weapons Convention and in that respect I reflect the views of the Joint Chiefs and the combatant commanders."

Now, this is really quite an important point, I believe, for the U.S. Senate. We have the Chairman of our Joint Chiefs, we have all of the Chiefs, all of our combatant commanders urging us to ratify the Chemical Weapons Convention because our troops will be safer with the convention in effect than if it is not in effect. That ought to count heavily with the U.S. Senate. It is not always true that you have that kind of a unified position on the part of our uniformed military. It is not always true that the Chairman of the Joint Chiefs can say that all of the Chiefs, all of the combatant commanders, agree that a certain course of action ought to be taken in the U.S. Senate. But it is true in this case.

As I mentioned, Secretary Cohen, when he was still the Secretary-designate for his current position, testified as follows, before the Armed Services Committee, when asked whether or not he supports the ratification of the convention prior to the April 29 deadline, and this, basically, is his answer:

Yes. The CWC, as both a disarmament and a nonproliferation treaty, is very much in our national security interest because it:

No. 1, establishes an international mandate for the destruction of chemical weapons stockpiles;

No. 2, prohibits the development, retention, storage, preparations for use, and use of chemical weapons;

No. 3, increases the probability of detecting militarily significant violations of the CWC; and

No. 4, hinders the development of clandestine CW stockpiles.

Mr. President, I ask unanimous consent that the detailed explanation of Secretary Cohen for each of those conclusions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Establishes an international mandate for the destruction of chemical weapons (CW) stockpiles. Congress has mandated that the Army, as executive agent for CW destruction, eliminate its unitary CW, which constitute the bulk of its CW stockpile, by 31 December 2004. That destruction process is

well under way at the CW destruction facilities at Johnston Atoll and Tooele, UT. The CWC mandates that state parties destroy, under a strict verification regime, their entire CW stockpiles within 10 years after the Convention enters into force (April 2007). Given that the U.S. does not need CW for its security, and given that we are currently legally committed to eliminating unilaterally the vast majority of our CW stockpile, common sense suggests that it would be preferable to secure a commitment from other nations to do the same.

Prohibits the development, retention, storage, preparations for use, and use of CW. These expansive prohibitions establish a broadly accepted international norm that will form a basis for international action against those states parties that violate the CWC. Unlike the 1925 Geneva Protocol, which only bans the use of CW in war, the CWC: includes a verification regime; restricts the export of certain dual-use CW precursor chemicals to non-state parties; prohibits assisting other states, organizations, or personnel in acquiring CW; and requires state parties to implement legislation prohibiting its citizens and organizations from engaging in activities prohibited by the Convention. The CWC also contains mechanisms for recommending multilateral sanctions, including recourse to the UN Security Council.

Increases the probability of detecting militarily significant violations of the CWC. While no treaty is 100% verifiable, the CWC contains complementary and overlapping declaration and inspection requirements. These requirements increase the probability of detecting militarily significant violations of the Convention. While detecting illicit production of small quantities of CW will be extremely difficult, it is easier to detect large scale production, filling and stockpiling of chemical weapons. Over time, through declaration, routine inspections, fact-finding, consultation, and challenge inspection mechanisms, the CWC's verification regime should prove effective in providing information on significant CW programs that would not otherwise be available.

Hinders the development of clandestine CW stockpiles. Through systematic on-site verification, routine declarations and trade restrictions, the Convention makes it more difficult for would-be proliferators to acquire, from CWC state parties precursor chemicals required for developing chemical weapons. The mutually supportive trade restrictions and verification provisions of the Convention increase the transparency of CW-relevant activities. These provisions will provide the U.S. with otherwise unavailable information that will facilitate U.S. detection and monitoring of illicit CW activities.

Mr. LEVIN. Secretary Cohen concluded by saying the following:

I strongly support the Chemical Weapons Convention and the goal of U.S. ratification of the convention by April 29, 1997 . . . U.S. ratification of the Convention prior to this date will ensure that the U.S. receives one of the 41 seats on the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization that will oversee CWC implementation. Early ratification will also ensure that U.S. citizens will fill key positions within the OPCW and act as inspectors for the Organization. Direct U.S. involvement and leadership will ensure the efficacy and efficiency of the OPCW during the critical early stages of the Convention's implementation. The U.S., upon ratification and implementation of the CWC, will also receive CW-related information from other state parties. As a state party and a member of the Executive Council, the U.S. will be in the best position to assure the effective implementation of the Convention's verification provisions.

Now, that is our former colleague, Bill Cohen. It is an exceptionally clear and cogent statement of why the CWC is in our international interest. Defense Secretary Perry before him, said the following before the Senate Foreign Relations Committee, on March 28, 1996:

In conclusion, the Department of Defense considers the Chemical Weapons Convention a well-balanced treaty that, in conjunction with our other efforts against CW proliferation, a robust chemical protection program and maintenance of a range of nonchemical response capabilities, will serve the best interests of the United States and the world community. The Department of Defense strongly supports the Convention. I respectfully request that the Senate give its advice and consent to ratification this spring.

Mr. President, our military, today, enjoys a high level of protection against chemical weapons. The treaty specifically permits that level of protection and any additional level of protection to continue. We spend about $500 million a year on chemical and biological defenses. The Senate should help assure that our forces maintain an effective capability to defend themselves. We plan on doing just that in the budget that we will be submitting to the Senate.

But by not ratifying the Chemical Weapons Convention, we would be giving other nations an excuse for delaying or rejecting ratification, while taking the pressure off of pariah states to join the treaty.

General Schwarzkopf, retired now, recently testified as follows:

I am very, very much in favor of the ratification of that treaty. We don't need chemical weapons to fight our future warfares. And, frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs in this particular matter. So I am very, very much in favor of ratification of that particular treaty.

Admiral Zumwalt, now retired, said the following relative to this treaty. He was the Chief of Naval operations in the early 1970's. He said:

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands."

Admiral Zumwalt, who, in this article I am quoting from in the Washington Post of January 6, 1997, pointed out that he is not a dove. As a matter of fact, he said he helped lead the opposition to the SALT II treaty because he was convinced that it would give the Soviet Union a strategic advantage. This is someone who has a history of being skeptical in terms of arms control agreements. Admiral Zumwalt in the Washington Post that day added the following:

At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

I ask unanimous consent that Admiral Zumwalt's entire article in the Washington Post of January 6, 1997, be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 6, 1997]

A NEEDLESS RISK FOR U.S. TROOPS

(By E.R. Zumwalt Jr.)

It has been more than 80 years since poison gas was first used in modern warfare—in April 1915 during the first year of World War I. It is long past time to do something about such weapons.

I am not a dove. As a young naval officer in 1945, I supported the use of nuclear weapons against Japan. As chief of naval operations two decades ago, I pressed for substantially higher military spending than the nation's political leadership was willing to grant. After retiring from the Navy, I helped lead the opposition to the SALT II treaty because I was convinced it would give the Soviet Union strategic advantage.

Now the Senate is considering whether to approve the Chemical Weapons Convention. This is a worldwide treaty, negotiated by the Reagan administration and signed by the Bush administration. It bans the development, production, possession, transfer and use of chemical weapons. Senate opposition to ratification is led by some with whom I often agree. But in this case, I believe they do a grave disservice to America's men and women in uniform.

To a Third World leader indifferent to the health of his own troops and seeking to cause large-scale pain and death for its own sake, chemical weapons have a certain attraction. They don't require the advanced technology needed to build nuclear weapons. Nor do they require the educated populace needed to crate a modern conventional military. But they cannot give an inferior force a war-winning capability. In the Persian Gulf war, the threat of our uncompromising retaliation with convention weapons deterred Saddam Hussein from using his chemical arsenal against us.

Next time, our adversary may be more berserk than Saddam, and deterrence may fail. If that happens, our retaliation will be decisive, devastating—and no help to the young American men and women coming home dead or bearing grevious chemical injuries. What will help is a treaty removing huge quanities of chemical weapons that could otherwise be used against us.

Militarily, this treaty will make us stronger. During the Bush administration, our nation's military and political leadership decided to retire our chemical weapons. This wise move was not made because of treaties. Rather, it was based on the fact that chemical weapons are not useful for us.

Politically and diplomatically, the barriers against their use by a First World country are massive. Militarily, they are risky and unpredictable to use, difficult and dangerous to store. They serve no purpose that can't be met by our overwhelming convention at forces.

So the United States has no deployed chemical weapons today and will have none in the future. But the same is not true of our potential adversaries. More than a score of nations now seeks or possesses chemical weapons. Some are rogue states which we may some day clash.

This treaty is entirely about eliminating other people's weapons—weapons that may some day be used against Americans. For the American military, U.S. ratification of the Chemical Weapons Convention is high gain and low or no pain. In that light, I find it astonishing that any American opposes ratification.

Opponents argue that the treaty isn't perfect: Verification isn't absolute, forms must be filled out, not every nation will join at first and so forth. This is unpersuasive. Nothing in the real world is perfect. If the U.S. Navy had refused to buy any weapon unless it worked perfectly every time, we would have bought nothing and now would be disarmed. The question is not how this treaty compares with perfection. The question is how U.S. ratification compares with its absence.

If we refuse to ratify, some governments will use our refusal as an excuse to keep their chemical weapons. Worldwide availability of chemical weapons will be higher, and we will know less about other countries' chemical activities. The diplomatic credibility of our threat of retaliation against anyone who uses chemical weapons on our troops will be undermined by our lack of "clean hands." At the bottom line, our failure to ratify will substantially increase the risk of a chemical attack against American service personnel.

If such an attack occurs, the news reports of its victims in our military hospitals will of course produce rapid ratification of the treaty and rapid replacement of senators who enabled the horror by opposing ratification. But for the victims, it will be too late.

Every man and woman who puts on a U.S. military uniform faces possible injury or death in the national interest. They don't complain; risk is part of their job description. But it is also part of the job description of every U.S. senator to see that this risk not be increased unnecessarily.

Mr. LEVIN. Finally, Mr. President, I ask unanimous consent that a letter written by a very distinguished group of retired four-star generals and admirals who support the Chemical Weapons Convention be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 3, 1997.

Hon. WILLIAM J. CLINTON,
The White House, 1600 Pennsylvania Avenue, N.W., Washington, DC.

DEAR MR. PRESIDENT: As former members of the United States Armed Forces, we write to express our strong support for Senate ratification of the Chemical Weapons Convention (CWC). This landmark treaty serves the national security interests of the United States.

Each of us can point to decades of military experience in command positions. We have all trained and commanded troops to prepare for the wartime use of chemical weapons and for defenses against them. We all recognize the limited military utility of these weapons, and supported President Bush's decision to renounce the use of an offensive chemical weapons capability and to unilaterally destroy U.S. stockpiles. The CWC simply mandates that other countries follow our lead. This is the primary contribution of the CWC: to destroy militarily-significant stockpiles of chemical weapons around the globe.

We recognize that the proliferation of weapons of mass destruction, including chemical agents, presents a major national security threat to the U.S. The CWC cannot eliminate this threat, as terrorists and rogue states may still be able to evade the treaty's strict controls. However, the treaty does destroy existing stockpiles and improves our abilities to gather intelligence on emerging threats. These new intelligence tools deserve the Senate's support.

On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC.

Stanley R. Arthur, Admiral, USN (Ret); Michael Dugan, General, USAF (Ret); Charles A. Horner, General, USAF (Ret); David Jones, General, USAF (Ret); Wesley L. McDonald, Admiral, USN (Ret); Merrill A. McPeak, General, USAF (Ret); Carl E. Mundy, Jr., General, USMC (Ret); William A. Owens, Admiral, USN (Ret); Colin L. Powell, General, USA (Ret); Robert RisCassi, General, USA (Ret); H. Norman Schwartzkopf, General, USA (Ret); Gordon R. Sullivan, General, USA (Ret); Richard H. Truly, Vice Admiral, USN (Ret); Stansfield Turner, Admiral, USN (Ret); John W. Vessey, General, USA (Ret); Fred F. Woerner, General, USA (Ret); Admiral E.R. Zumwalt, Jr., Admiral, USN (Ret).

Mr. LEVIN. Mr. President, one paragraph from that letter says the following:

On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities, and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC.

Former Secretary of State, Jim Baker, spoke out very strongly in support of the CWC the other day and said:

If we fail to ratify the convention, we will imperil our leadership in the entire area of nonproliferation, perhaps the most vital security issue of the post-cold war era.

Mr. President, before we have a chance to vote on the CWC, we will be voting on a bill introduced by Senator KYL, S. 495. It is a 70-page bill that effects our efforts relative to chemical and biological weapons. The contrast between the lack of analysis of that bill, the contrast between the absence of hearings on that bill and the thoroughness with which the Chemical Weapons Convention has been analyzed, is enormous. We have had about 18 hearings on the Chemical Weapons Convention. We have had dozens of briefings for Senators and our staffs. We have had 1,500 pages of information on the CWC, which has been provided to the Senate by the administration: 300 pages of testimony; 500 pages of answers to letters and reports; 400 pages of answers to questions for the record; 300 pages of other documentation. That is what we have had in the 3½ years that the Chemical Weapons Convention has been before us. The bill introduced by Senator KYL has been in front of us for a few weeks.

So we have had the convention before us for 3½ years, with 18 hearings, hundreds of pages of documents, answers, et cetera, a thorough and complete and exhaustive analysis of this convention. It is long, long overdue that it come before the Senate. Hopefully, we are going to ratify it and not be deterred from ratification in any way by a bill recently introduced, just a few weeks ago, with 70 pages of complicated text relative to the same subject, but which doesn't affect anybody else's weapons, only our own.

Mr. President, I want, again, to thank the Senator from North Dakota for his leadership in this area. It is important to this Nation's position and posture in the world as a leader that a convention that was designed by us, negotiated by Presidents Reagan and Bush, supported by them, a bipartisan convention, be finally brought before the Senate for debate and ratification.

I thank the Chair and my friend from North Dakota for yielding me some time.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. There are 25 minutes remaining.

Mr. BINGAMAN. I thank the Chair. Mr. President, let me, first of all, compliment my colleague from Michigan on his excellent statement. I agree with each of his points. It is past time for the Senate to bring this issue to the floor for debate, to debate it seriously, to make whatever modifications or changes or conditions the Senate believes is appropriate, if any, and to get on with ratifying the Chemical Weapons Convention.

Mr. President, one of the challenges in discussing the Chemical Weapons Convention is to figure out how to bring this home to the average American that this is an issue and a concern that is important to them. Many people say, well, this is long term, this is international, this doesn't relate to me right here in River City, or Santa Fe, NM, or Silver City, NM, or wherever

their hometown happens to be. But, in fact, the convention intends to reduce the likelihood that any of our troops or any American civilians in the future will be injured or killed as a result of chemical weapons.

The history of the use of chemical weapons is better known by others than by me. My understanding is that the first time there was significant use of chemical weapons was in the First World War. There have been instances since then. We have heard much in the news recently, for example, about the injuries that some of our personnel in the gulf war encountered by virtue of the accidental destruction of Iraqi chemical weapons by some of our own military actions.

So the issue is real, and the question is, what can we do as a nation? What can we do as a Senate to lessen the risk that chemical weapons will, in fact, injure Americans in the future? I think ratifying this treaty at this time is clearly the most important thing we can do.

I hope very much that we go ahead and enter into a unanimous-consent agreement today and begin formal debate of the treaty. We are not in formal debate as of yet because we have been unable to get agreement among all Senators to bring the treaty to the floor. We need to get that agreement and bring it to the floor, and we need to go ahead with the debate. The reason that it is time-sensitive, Mr. President, is that the treaty goes into effect on the 29th of this month. Now, some say it doesn't matter whether we are part of it at the time it goes into effect or whether we are not part of it. They say we can come along later. The problem is that international agreements have been made for the treaty to go into effect. American experts have been working with experts from other countries in putting together protocols and plans for implementing this treaty and the inspections that would be made under the treaty. All of that has been ongoing. If we are not part of the initial group of ratifying nations—it's a very large group; I think 161 nations have signed this treaty. If we are not part of that group when the treaty goes into effect, then the experts from our country that have been involved in establishing protocols and plans for inspection will be excluded from management and inspection teams and others will be put in their place. Perhaps at a later date we could join, but, clearly, it is not in our interest to have an international treaty of this importance begin without us being a part of it.

I also point out an obvious point, which I am sure has been made many times in this debate. The sanctions called for in this treaty against countries that are not party to the treaty will be imposed on our own chemical companies. Many of the objections that have been raised about the treaty are, in fact, in my view, groundless for the simple reason that our own chemical manufacturers in this country have come out in strong support of the treaty. They want to be part of this. They understand the inspections that will be taking place. They readily subject themselves to those inspections, and they do not want sanctions imposed upon them that keep them from selling chemicals that can be used for chemical weapons, but can also have commercial uses at the same time. They would like to continue to be major participants in the world market in chemicals. They estimate that the loss to our chemical manufacturers could be around $600 million per year if we don't ratify the treaty and if sanctions are imposed on us because we are outside the treaty.

Mr. President, there are various objections that have been raised. In my opinion, I have never seen a treaty where there has been more effort to accommodate very groundless objections. We have some objections which are not groundless—I will acknowledge that—and concerns that are valid and need to be considered and addressed. We are doing that. But many of the objections that have been raised, in my opinion, are really grasping at straws by people who are trying to find some basis upon which to oppose this treaty.

The context in which this needs to be considered—this, again, has been said many times here, and I have said it myself—is that we passed a law while President Reagan was in the White House that renounced the use of chemical weapons by this country and which put us on a path to destroy our own chemical weapons capability. President Reagan signed that law. That has been the policy of our Government through the Reagan administration, through the Bush administration, through the Clinton administration, and now into the second Clinton administration.

We have unilaterally made the decision that we do not need chemical weapons in order to look out for national security concerns. We have many other ways to deal with countries that would use chemical weapons.

By signing this agreement, by going ahead and ratifying the Chemical Weapons Convention, we are not giving up any of the other arrows in our quiver, so to speak. We have the ability to retaliate against the use of chemical weapons in any way we determine to retaliate, whether we are a signatory or not. So we do not lose anything by ratifying it and becoming part of this convention. We gain, however, a substantial amount. For that reason, I think the treaty should go forward.

Since we have unilaterally decided not to have chemical weapons, not to produce chemical weapons, not to maintain a stockpile of chemical weapons, and not to use chemical weapons in the future, how can it not be in our interest to try to ensure that other countries make that same decision? How can it not be in our interest to join with international inspection groups to investigate and ascertain that the countries that are signatories to this treaty do not in fact violate the convention?

As I indicated before, our manufacturers agree. If you want to inspect us, come on in. We are glad to have you come in and inspect our plants. We are not going to have chemical weapons, we are not going to stockpile chemical weapons, and, therefore, come on in and investigate us.

If we ratify this treaty, we can be part of the inspection teams that go to other countries to make the same determination. Some people say, "Well, the problem with it is that not all nations are going to sign onto the treaty." That is true. Not all nations are. That is very, very true. To deal with that circumstance, the treaty calls for sanctions against those countries that don't ratify the treaty. We cannot enforce the treaty against countries that don't ratify the treaty, but we can impose sanctions upon their ability to purchase or to sell chemicals that have dual use—that can be used in chemical weapons as well as in commercial purposes. That is a significant tool that this convention will give us.

I do not know of another circumstance—at least in the time I have been here in the Senate—where we have made the unilateral decision to take action that a treaty calls for us to take. For us to now say, "OK, we have already decided to take the actions that the treaty calls for us to take, but we do not know whether we want to go ahead and ratify the treaty so that others also will take those same actions" is nonsensical to me. We need to recognize that in the large scheme of things, this country needs to provide leadership in the world. That leadership includes ratifying this treaty and going forward with putting the protocols for its enforcement in place and participating in the inspection teams required for its implementation. That is exactly what is required. There have been endless negotiations within the Foreign Relations Committee in an effort to accommodate concerns that have been raised. I was not party to those negotiations. I have seen the results of them. Quite frankly, I am amazed at the extent of the conditions that we have agreed should be adopted to allay concerns of different Members. I think that is fine. I have no problem with any of the conditions. I also support whatever is acceptable to the administration, which has primary authority in this area and primary responsibility to enforce the treaty. If they believe these conditions are acceptable, then fine, they are acceptable to me as well. But we do need to get on with ratifying the treaty. We need to get on with providing the additional confidence we can

to the American public and to assure them that their security concerns are being dealt with responsibly.

I believe very strongly that this treaty is in the best interest of our country and the best interest of the people of my State. I think it would be a travesty for us to fail to ratify it, and particularly it would be a travesty if we failed to even bring it before the Senate for a vote. That has not happened. I understand the majority leader has worked very diligently to bring that about, and I believe he is on the verge of doing so. I commend him for that. But the reality of the situation is very straightforward—this treaty needs to be ratified. It needs to be ratified soon. The clock is ticking. Our leadership position in the world is at stake, and the security of future generations is also at stake.

I see that we have both Senators from Massachusetts ready to speak. I do not want to delay them. I ask if either of them wishes to speak on the treaty at this point.

How much time remains on the treaty?

The PRESIDING OFFICER. There remain 11 minutes 50 seconds.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we have had a long history in the world of attempts to rid the planet of the scourge of chemical weapons. That effort began after World War I, as a result of the searing experiences of troops in Europe during that war near the beginning of this century when chemical weapons were used for the first time in a general way in warfare. Those efforts in the early part of the century resulted, in 1925, in the negotiation in Geneva of an accord that bans the use of chemical weapons.

Since that time, the world's more powerful nations have not used them in war, including World War II. There are a couple of rogue states that have used them. Iraq's use against the Kurds and in its war with Iran is the instance most often cited. But despite the progress in seeking to eliminate the use of chemical weapons, the fact is that efforts to ban the manufacture and storage of poisonous gas has hit one brick wall after another over the years.

In the past 25 years a substantial effort has been made to achieve an international agreement to ban manufacture and storage of chemical weapons. The Nixon and Ford administrations—both of whom, of course, were Republicans—worked toward this objective, albeit without success. The administration of Republican President Ronald Reagan reinvigorated international efforts to achieve such an agreement during the early 1980's. When Vice President Bush was elected President, his administration assumed the responsibility for continuing those negotiations that were handed off by the predecessor administration in which he had served as Vice President, and I believe most people ultimately will judge that President Bush and his administration's negotiators acquitted themselves well in this regard.

After intense and lengthy negotiations, initial success was achieved in 1992 when the Chemical Weapons Convention was completed in Geneva and was approved by the United Nations. In early 1993, shortly before leaving office, the Bush administration, representing the United States, joined with 129 other nations to sign the convention, and the process of ratification of the treaty began. On November 23 of that year, the Clinton administration submitted the convention formally to the Senate for its advice and consent.

So here we are now, 4 years from the time when the convention became available for ratification, finally about to exercise our constitutional responsibility in the Senate.

I wish that we had acted sooner. But it is my understanding that we now are going to act—that the majority leader has made a commitment to bring up the resolution of ratification on the Senate floor next week so that we can act prior to the critical day of April 29.

Let me digress to address the subject of the importance of April 29 to this treaty. April 29, less than 2 weeks from today, is the day on which the convention takes effect. Some Members and others have suggested in hearings and elsewhere that this is not a critical date; that we somehow have an extraordinary power to unilaterally dictate the United States can impose changes in the convention beyond that date. The fact is that April 29 is the date on which all the nations that have ratified the convention expect the convention to take effect, per its terms to which all signatory nations including the United States agreed. They believe they have a right to expect that others will have lived by the same rules by which they have lived.

There is a certain contradiction in suggesting that you are going to take the leadership in drafting and seeking support for a treaty which is designed to become international law, and which establishes a set of rules that you and others propose to follow, and before it even takes effect you unilaterally decide you are going to break the first rule it contains which is the date by which you must agree to be a full supporter and participant in order to have a part in setting up on the ongoing procedures and regulations that will apply its terms to all participants. I think those who suggest the United States can simply ignore this deadline—while still seeking international support for some treaty to address the chemical weapons concern, a treaty they believe should be altered in various ways from the treaty that is now before the Senate—are evidencing a kind of arrogance on behalf of our country that often gets us in trouble with our allies and friends and with nations we would like to have as allies and friends.

Even more troubling, Mr. President, is the fact that there are some in the Senate, some Members of the Republican Party, who seem to have a deep-seated aversion to any kind of arms control treaty. As we draw close to the point where the Senate will exercise its constitutional role of advise and consent, we are seeing a desperate effort launched to grab onto any kind of straw to suggest that this treaty is not good for the United States of America. We are seeing a host of problems conjured up, and I do mean literally conjured up, to prevent the assembly of a two-thirds majority of the Senate to approve the resolution of ratification.

I only have a brief amount of time in the Chamber today, but I want to address some of the principal arguments that are being advanced as a rationale for suggesting that this treaty is not in the best interests of the United States. I have spoken previously at some length in this Chamber about the convention, and I will speak again as we formally take up the debate, but today I want to address briefly several of the claims made by opponents.

First, opponents say that the convention could jeopardize confidential business information through frivolous so-called challenge inspections that the critics claim would provide international inspectors with extraordinary access to files, data, and equipment of U.S. chemical companies, and that the inspectors themselves could be spies for adversary nations or for nations whose chemical industries compete with our own. These critics, in effect, are anointing themselves the great protectors of the U.S. chemical industry from an espionage threat they perceive.

Mr. President, I do not believe there is a person in this Chamber that does not want to take all needed steps to thwart espionage, but let me note the facts. The Chemical Manufacturers Association strongly supports the Chemical Weapons Convention. Its representatives helped write the rules contained in the convention pertaining to treatment of confidential business information. Not surprisingly, protecting trade secrets was at the very top of their priority list during the treaty negotiations.

Further, the CMA conducted seven full-fledged trial inspections of chemical facilities just as would be conducted under the treaty's terms, to

make certain that the protections against industrial espionage were strong. The Chemical Manufacturers Association is satisfied that those protections are sufficient to safeguard U.S. trade secrets. Furthermore, the treaty gives our Government the right to reject ahead of time for any reason whatsoever any inspectors that we believe would try to spy at U.S. facilities.

Second, Mr. President, opponents say that the convention inspection requirements may involve unreasonable search and seizure which would violate the fourth amendment to the Constitution.

Again, they are wrong. The facts are that at the insistence of our own negotiators who were fully cognizant of issues of search and seizure, the Chemical Weapons Convention explicitly allows party nations to take into account their own constitutional obligations when providing access for a challenge inspection. Constitutional rights in the United States have not been weakened or relinquished. Both the CWC and its draft implementing legislation fully protect U.S. citizens, including businesses, from unreasonable search and seizure. In addition, the treaty allows sensitive equipment information or areas of an inspected facility not related to chemical production or storage that are the subjects of the inspection to be protected during any challenge inspection by adhering to approved managed access techniques.

Further, treaty proponents are prepared to accept, and Senator BIDEN has negotiated with Senator HELMS, a condition of ratification which will provide that search warrants will be obtained through the normal process for all challenge inspections.

A third issue: Opponents say that adherence to the convention's provisions by party nations cannot be perfectly verified. What is occurring here is that the opponents are trying to make the perfect the enemy of the good. I can say that, in the 12 years I have been in the Senate as a member of the Foreign Relations Committee and deeply involved in work on a number of arms control agreements, I do not think I have ever seen an arms control agreement that is absolutely, perfectly, 100 percent verifiable. I do not think anybody who negotiates arms control agreements believes such perfection is attainable.

Perfection is not the standard by which we should make a judgment as to whether we have a good or bad treaty. Both our national defense leadership and intelligence community leadership have testified repeatedly that this treaty will provide them with additional tools that they do not have today which will help them gain more and better knowledge about what is happening in the world regarding chemical weapons and their precursors.

So the test is not can you perfectly verify compliance with the Convention's requirements; the test is do you enhance the security and intelligence interests of your country beyond where they would be without the treaty. Our defense and intelligence community leaders answer a resounding yes to that question.

Fourth, opponents say that the nations about whose chemical activities we are most greatly concerned, the rogue nations like Iraq and Libya and North Korea, will not become parties to the treaty and, if they are not parties to the treaty, it will not give us enough protection from chemical weapons to warrant our being a party to it.

This is a red herring of enormous proportions for the following reasons. As I stand in the Chamber today and the Presiding Officer sits on the dais, there is absolutely nothing to prevent those rogue nations from doing exactly what people say they fear. There is not even an international regime in place that makes manufacture and storage of chemical weapons illegal, or that provides a way to track the movement of such chemicals and their precursors so that there is a greater likelihood the world will know when rogues are engaging in conduct we believe should not occur, or that gives the world a way in which to hold such nations accountable.

I pose a simple question: Is the United States in a stronger position if it is a party to an international treaty in force, to which most nations of the world are trying to adhere, when a nation not a party to the treaty is seen to be engaging in behavior violating the treaty's terms, or is the United States better off with every nation just going about its own business without any protocol at all, without any international standard, without any means to obtain accountability when a nation violates a standard of behavior to which the great majority of the world's nations have formally decreed they believe all nations should adhere.

I think most people would say that if the United States ratifies this Convention, our circumstance relative to rogue nations is in no way worse than it is now. We give up nothing, but we gain important advantages. What are they?

First, under present circumstances, the manufacture and storage of chemical weapons is not illegal under international law or custom. The Convention will provide that law and custom. It will then be possible to focus international opprobrium on nations violating its standards, be they participant or nonparticipant nations.

Moreover, with 72 nations already having ratified, and others certain to follow, especially if the United States ratifies before April 29, there will be a quantum leap forward in the capacity to track the manufacture and sale of chemicals that can be used as weapons, or precursor chemicals, and this enhanced capacity will help us determine what nations might be acting in a way that ultimately could do injury to our country.

It is important for everyone to remember that this treaty will greatly assist our efforts to impede the production and storage of chemical weapons. Therefore, it will make it less likely that our troops or our civilians will ever be put in harm's way by being subjected to an attack by chemical weapons.

I might remind my colleagues that, no matter what we do with respect to this treaty, we are not going to be manufacturing chemical weapons in the United States. That is the track we are on under our current law. The logic seems unassailable to me that the United States will be a lot better off if we bring the family of nations into a regimen which helps us guard against trafficking in those chemicals and which requires party nations to dispose of their own stocks of chemical weapons and not manufacture others.

Fifth, opponents say that participating in the chemical weapons treaty will make the United States less vigilant about the risks of chemical attacks by organized armies or by terrorists and about the need to maintain defenses against those threats. Well, shame on us if that were to be true. I do not think anybody who is supportive of this treaty wants—and I know I do not want—to let down our guard with respect to the possibility of another nation, rogue or otherwise, creating a chemical weapon and using it against us. I absolutely believe it is vital that we have a robust defense which will protect us in the event that someone were to try to break out and do that. But I think this is a tactic of desperation, because if you follow the logic of this criticism to its conclusion, we ought to make certain that our adversaries have chemical weapons to be sure we have sufficient incentive to defend against them, if that is what it takes in order to build our defenses.

I emphasize two points here. First, there is nothing whatsoever that any arms control agreement does that necessarily lessens our resolve to defend against the threat that the agreement is intended to reduce. And, second, neither the Clinton administration nor this Congress is going to play ostrich on this issue. The Clinton administration's budget calls for $225 million in increases in the Defense Department's funding for chemical and biological defense over the next 6 years. A $225 million increase hardly equates to a notion that we are being lulled to sleep or into some kind of complacency. I am willing to bet with any Member of this body that the ratification of the CWC will not result in a reduction of our chemical weapons defense efforts.

Mr. President, in the next few days we will face a debate which I hope will be conducted on the facts. I devoutly hope that we do not waste time debating the question of whether this treaty is a perfect treaty—of course it is not. Instead, I hope we squarely face and debate the question of whether the security of the United States of America and of the entire world is improved by United States ratification of the Chemical Weapons Convention.

I respectfully submit to my colleagues that when they look at the facts, when they measure what the U.S. chemical industry has done to protect itself, when they measure what we are doing to strengthen our defenses against chemical weapons, when they measure what being a party nation to the Convention will provide us in terms of intelligence and information, when they measure what this does in terms of the ability to track chemicals throughout the rest of the world, when they measure the importance to the United States of our being part of this effort before the Convention takes effect on April 29, I believe our colleagues will decide that the answer to the question of whether the Convention improves the security of the United States is an unequivocal yes, and that they will respond by voting to approve the resolution of ratification and against any debilitating amendments that any treaty opponents offer to it.

I yield back any remaining time.

A NATIONAL AGENDA FOR YOUNG CHILDREN

Mr. KENNEDY. Mr. President, tomorrow, the White House is hosting an extraordinary conference on "Early Childhood Development and Learning: What the newest research on the brain tells us about our youngest children." It is the first time a President has focused national attention on this issue. Experts from across America will explore the implications of new scientific research on the intellectual development of young children. In their early years, children have an ability to assimilate far more knowledge than at any other time in their lives. If a child's curiosity is encouraged and his or her mind regularly stimulated, the capacity to learn can be substantially expanded.

If, conversely, a child receives little interaction and stimulation, that capacity declines just as an unexercised muscle atrophies. These findings dramatically reinforce the urgency of programs which will provide parents with the support they need to enrich their children's early years.

There is no more important responsibility which we in the Senate have than to provide a secure foundation on which America's children can build their futures. Now that we have a far greater understanding of the significance of the early childhood years in an individual's development, we know the extraordinary impact which the quality of care and nurturing in those years can have on a child's intellectual and emotional growth. Does a child have access to good preventive medical care? Are parents able to spend time with their child or are they unable to leave work? Do the hours spent in child care provide a real learning experience?

Does the child have access to a quality preschool education program? The answers to questions like these will have a substantial effect on a child's long-term ability to reach his or her full potential. The opportunity lost cannot be recaptured. Making these basic opportunities the birthright of every child should be our national agenda for young children. It should be our highest priority.

Congressional action this year could bring the essential elements of sound early childhood development within the reach of every child. Such an agenda for young children has four key elements: First, providing affordable child health insurance coverage for working families. The Hatch-Kennedy bill will make health care more accessible for the 10 million children whose families cannot afford insurance. Many of these children currently see a doctor only when they are acutely ill. They never receive the preventive health care which is so essential to proper growth and development.

Second, extending the Family and Medical Leave Act to 13 million more employees so that they have the same opportunity to spend precious time with a newborn child or to care for a seriously ill child. Giving each employee 24 hours of leave a year to accompany their child to a school event or on a visit to the pediatrician would also strengthen parental involvement.

Third, improving the quality of child care for infants and toddlers by providing incentive grants to States to make child care programs early learning opportunities. Programs that encourage a child's curiosity and stimulate communication skills can enhance long-term educational development.

Fourth, fully funding Head Start and expanding the Early Start initiative for younger children.

This program is widely recognized for its success in providing children from low-income families with a firm educational foundation. Yet, funding levels currently limit access to only 40 percent of the eligible 4- and 5-year-olds and a much smaller percentage of young children.

In the words of the Carnegie Task Force on Meeting the Needs of Young Children: "The earliest years of a child's life * * * lay the foundation for all that follows." It calls for a comprehensive strategy to "move the nation toward the goal of giving all children the early experiences they need to reach their full potential."

Collectively, these four legislative initiatives will provide all parents with the tools they require to enrich their children's early years.

Each element—medical care, parental involvement, quality child care, and early learning opportunity—is essential to maximizing a child's potential. Let me explain how each of these programs would work:

CHILDREN'S HEALTH CARE

Today, more than 10.5 million children have no health insurance. That is 1 child in every 7. The number has been increasing in recent years. Every day, 3,000 more children are dropped from private health insurance. If the total continues to rise at the current rate, 12.6 million children will have no medical coverage by the year 2000.

Ninety percent of these children are members of working families. Two-thirds are in two-parent families. Most of these families have incomes above the Medicaid eligibility line, but well below the income it takes to afford private health insurance today.

Too many young children are not receiving the preventive medical care they need. Uninsured children are twice as likely to go without medical care for conditions such as asthma, sore throats, ear infections, and injuries. One child in four is not receiving basic childhood vaccines on a timely basis. Periodic physical exams are out of reach for millions of children, even though such exams can identify and correct conditions that can cause a lifetime of pain and disability. Preventive care is not only the key to a healthy child, it also is an investment for society. Every dollar in childhood immunizations, for example, saves $10 in hospital and other treatment costs.

Every American child deserves an opportunity for a healthy start in life. No family should have to fear that the loss of a job or a hike in their insurance premium will leave their children without health care.

Children and adolescents are so inexpensive to cover. That's why we can and will cover them this year—in this Congress. The cost is affordable—and the positive benefits for children are undeniable.

The legislation that Senator HATCH and I have introduced will make health insurance coverage more affordable for every working family with uninsured children. It does so without imposing new Government mandates. It encourages family responsibility, by offering parents the help they need to purchase affordable health insurance for their children.

Under our plan, $20 billion over the next 5 years will be available to expand health insurance coverage to children. When fully phased in, it will provide direct financial assistance to as many as 5 million children annually. Millions

more will benefit because their families will be able to buy good quality coverage for their children.

The plan will be administered by the States, under Federal guidelines to guarantee that the coverage is adequate and meets the special needs of children, including good preventive care and good prenatal care. States will contract with private insurance companies to provide child-only health coverage to families not eligible for Medicaid. Eligible families will receive a subsidy through their State to help pay the cost of private insurance coverage for their children. Funding will also be available to help provide prenatal services to uninsured pregnant women.

For the youngest children, this medical care is the most vital. It can prevent serious illnesses and long-term developmental problems.

It is the first priority if we are to help children grow to their full potential.

FAMILY AND MEDICAL LEAVE

Passage of the Family and Medical Leave Act in 1993 was a true landmark for America's families. For the first time, millions of working men and women were freed from the threat of job loss if they needed time off for the birth of a child or to care for a sick family member.

The act has worked well—for employees and for their employers. Employees are now able to take a leave of absence to be with their children or with a sick relative at a crucial time for the family, so that they can provide the special care and compassion which are the glue that binds a family together. In the 4 years since its enactment, it has already helped millions of families.

In more and more American homes today, both parents must have jobs in order to support their families. A substantial majority of children live in families where neither parent is at home during the day because of their jobs. If we value families—if we are serious about helping parents meet the needs of their children—then family medical leave is essential.

The Family and Medical Leave Act currently applies to businesses which employ 50 people or more. It is time to extend the benefits of this landmark law to an additional 13 million people who work for firms with between 25 and 50 employees. Their families face the same crises. Their children deserve the same attention. I concur wholeheartedly with Senator DODD, the original architect of the Family and Medical Leave Act, who has proposed this expansion.

There is another very important leave issue for working families—the need for a brief break in the workday to meet the more routine, but still very important, demands of raising children. Every working parent has experienced the strain of being torn between the demands of their job and the needs of their children. Taking a child to the pediatrician, dealing with a child care crisis or meeting with a teacher to discuss a problem at school, accompanying a child to a preschool or school event—all of these often require time off from work. No parent should have to choose between alienating the boss and neglecting the child.

Many employers understand this, and allow their workers to take time for family responsibilities. But many other companies refuse to accommodate their workers in this way.

The ability of parents to meet these family obligations should not be dependent on the whim of their employer. In a society that genuinely values families, it should be a matter of right.

Under legislation already proposed by Senator MURRAY, working parents would be entitled to 24 hours of leave a year to participate in their child's school activities. I would add time for a parent to take a child to the doctor. Employers would have to receive at least 7 days advance notice of each absence, so that employers will have ample opportunity to arrange work schedules around the brief absence of the employee.

Clearly, this legislation is needed. A recent survey of 30,000 PTA leaders found that 89 percent of parents cannot be as involved in their children's education as the would like because of job demands.

A Radcliffe Public Policy Institute study completed last year found that the total time that parents spend with their children has dropped by a third in the past 30 years. This disturbing trend must be reversed.

Greater involvement of parents in their children's education can make a vital difference in their learning experience. A big part of that involvement is more regular contact between parent and teacher, and more regular participation by parents in their children's school activities. Many of those meetings and activities are scheduled during the work day. As a result, millions of parents are unable to participate because their employers refuse to allow time off. Permitting a modest adjustment in a parent's work day can greatly enrich a child's school day. All children will benefit from this kind of parental support and encouragement, and so will the country.

QUALITY CHILD CARE

Child care for infants and young children is essential for the majority of mothers who work outside the home. However, quality child care for these youngsters is often hard to find. A 1995 GAO study found a shortage of infant care in both inner city and rural areas.

Even where facilities are available, they often do not provide the type of care which would be an enriching experience for young children. A majority of children in child care spend 30 hours or more per week. Their well being requires more than merely a safe and clean place to stay while their parents are at work—though even this is currently out of reach for far too many families. Young children—even infants and toddlers—need regular interaction with attentive caregivers to stimulate their curiosity and expand their minds.

This requires a much lower staff to child ratio than most providers can afford and it requires a level of training, supervision, and compensation which is seldom present. The early years are too precious—their potential too great—for children to spend them in custodial rather than educational care. Yet according to the Work And Family Institute, only one in seven child care centers offers quality care and only 9 percent of family child care homes are found to be of high quality.

To say this is not to criticize those currently providing care. Most work hard to create the best atmosphere for children they can given the current level of resources. However, a simple comparison with the kind of support required under the Military Child Care Act demonstrates how much better we could be doing with the civilian child care system.

Under the military statute, each child care provider participates in an individualized training program and receives salary increases based on their training. Each child care center is monitored at least four times a year and has an on-site teacher mentor. In addition, the military has established family child care networks designed to serve infants and toddlers where similar supports are provided. As a result of these provisions, provider salaries have dramatically increased when compared to civilian child care and staff turnover is negligible. Staff to child ratios have been reduced and individualized care and attention increased. The quality of the services provided reflects these changes. The children of working families deserve no less.

I am proposing that we provide incentive grants to States to model their child programs after the high quality services offered by the military.

This would include lower ratios as well as better training, supervision, salaries, and support. In this way, those who regularly care for our youngest children would be able to provide them with the nurturing and individualized attention they need and deserve. The time spent by children in child care would then become a valuable learning experience for them.

HEAD START

Head Start is widely recognized for its success in providing children from low income families with a solid developmental foundation. It focuses on the complete child—education, emotional growth, physical, and mental health, and nutrition. It strongly encourages parental involvement. Most importantly, it allows at-risk youngsters to

enter school ready to learn. Head Start works extremely well for those it serves.

However, even with recent funding increases, it serves only 40 percent of eligible children. There are few legislative initiatives which make more sense than fully funding Head Start. It could truly change the lives of many of those children currently excluded.

In 1994, we established a new Early Head Start initiative for infants and toddlers. HHS has awarded 142 grants nationwide for programs to provide basic early education, nutritional and health services for children under 3 years of age from low income families. This pilot program has proven very successful. The scientific research I alluded to earlier makes a compelling case for services directed to children in their earliest years. If we are seriously concerned about helping children expand their learning capacity, the Senate should fund a major expansion of Early Start.

DISABLED CHILDREN

As we make these reforms for the benefit of all children, we must not forget to provide for the special needs of disabled children. Despite their disabilities, these children hold great potential. With adequate support and assistance from us that potential can be realized. We cannot in good conscience leave the families of these children to face such enormous challenges alone.

CONCLUSION

The national agenda for young children which I have outlined today will give children—regardless of their family's income—a fair chance to reach their full potential. What occurs during a child's earliest years will make a lifetime of difference.

We know how important preventive health care, parental involvement, quality child care, and early learning opportunity during those years are to that child's later development. How can we fail to act? These issues are compelling and they deserve a strong bipartisan response. I urge my colleagues on both sides of the aisle to make this agenda for young children a high priority for Congress in 1997.

Mr. CONRAD. Mr. President, if the Chair would alert me when I have 1 minute remaining, I would appreciate that.

The PRESIDING OFFICER (Mr. THOMAS). The Senator has 10 minutes.

NORTH DAKOTA—THE IMPACT OF BLIZZARD HANNAH ON UTILITIES AND ELECTRIC CUSTOMERS

Mr. CONRAD. Mr. President, I rise to give my third report on the disaster that is still developing in North Dakota after the most severe winter storm in 50 years on top of the most heavy snowfall of any winter in our history on top of the worst flooding in 150 years. Last night, late yesterday, we had a serious situation develop because the main dike protecting Fargo, ND, which is the largest city in my State, sprang a leak. I talked last night to both the mayor and the head of the Corps of Engineers for our area, Colonel Wonzik. They told me they intended to build a second dike inside of the main dike to contain any burst that might occur.

I am pleased to report this morning that that effort is well underway and that the leaking has been contained at this point. But all of us understand that this is an extraordinary situation. These dikes are expected to stand up for much longer than would usually be the case because the flood conditions are so unusual. We have now been told that the crest may last for as long as a week, and that puts enormous pressure, not only on the dikes that were constructed by the Corps of Engineers, but on the dikes that were constructed by literally hundreds of individual homeowners who, in some cases, built walls of sandbags 15 feet high to protect their homes and neighborhoods.

I brought with me today some photographs that show the extent of the damage that has been done by this extraordinary storm. This first chart shows power lines. I do not know if people are able to see it, but it shows about 3 inches of ice that line the power line. Of course, what has happened is first we had a massive ice storm and then 70-mile-an-hour winds. The result was the power poles came down. They snapped like they were toothpicks. It is really extraordinary.

I drove into one town, and coming from the north side there was power pole after power pole just snapped off. This is a condition that led to over 80,000 people being without power. Thankfully, most of those people's power is now restored, although power for some still is not, and this is from a week ago Saturday. Can you imagine being without power for that extended period of time when conditions outside were, at their worst, 40 below wind chill and no heat? We have reports of one fellow who started burning fence posts in his house to keep warm. Others who were using propane heaters, putting them in one room and the family gathering around the propane heater in order to keep warm.

This picture shows a string of power poles, all knocked down by these extraordinary conditions. Let me just say, if I can, that there has been an extraordinary response. We want to say thank you to the power companies that supply North Dakota for flying in extra crews from around the country to help out. I want to take this moment to especially thank our neighbors to the north, because the Governor informed me last Monday that we were faced with a situation in which Manitoba Hydro wanted to send in crews to help us restore power lines, but they were being held up at the border by the Immigration and Naturalization Service. We called them and they immediately gave us a 2-week waiver on all of their requirements at the border, and Manitoba Hydro sent in over 100 people, crews, to help rebuild power lines in North Dakota—I think just an extraordinary act of neighborliness by our neighbors to the north in Canada. We deeply appreciate their action.

This shows the conditions and the power of this storm. You see this picture shows this power pole just snapped, again, like a toothpick. It is absolutely shattered by the force of these ice storms followed by extraordinarily high winds.

This photo shows the difficult conditions that the workers had to contend with in trying to rebuild these lines. Again, 80,000 people without power, most of them for 4 or 5 days. Here they are, working in these very difficult conditions, trying to rebuild lines.

This photo shows, on a farmstead, the kind of heavy equipment that was needed just to get an opening to get through to where the power poles were down. We had in parts of our State 24 inches of snow in this last storm. The people at the University of North Dakota tell me this was the most powerful winter storm in 50 years, and in North Dakota we have had some powerful winter storms. This year alone we have had eight blizzards and six winter storms that put over 100 inches of snow on the ground before this storm. And this storm, of course, was extraordinary by anyone's measure.

This picture shows, again, the extraordinarily difficult conditions the workmen were facing trying to rebuild lines. Jobs that would normally take 2 or 3 hours were taking 10 to 12 hours in order to rebuild these facilities and get power back to people so they could have heat.

Can you imagine being without power? We have all gotten so used to having electricity that I think we sometimes forget how important and central it is to our lives. Just heat alone in our part of the country is absolutely critical. Can you imagine being without any heat in your home for a week when it is extremely cold outside? And not having electricity for any of the conveniences of modern life? This is what these people have been contending with.

I must say, we have seen really heroic actions. I remember being in one town and the mayor described how one of the underground tunnels that carried water was blocked. They called in the fire department that had a man who was a diver. They asked him—remember, this is 40-below wind chill—they asked him to dive down in 6 or 7 feet of water to open up that valve so the water could flow. That takes courage. That young fellow did not hesitate. He went down and unblocked that

line that otherwise would have led to far greater flooding. These kinds of heroic efforts have been repeated over and over.

We have had Coast Guard crews in North Dakota. Some people must be wondering, Coast Guard in North Dakota? North Dakota is landlocked. Why would we be having Coast Guard crews in a State like North Dakota?

Very simply, those Coast Guard crews have background and experience and training in water rescue. They can tell some harrowing tales of going out and rescuing people who were in automobiles or were in homes that were surrounded by water. One of the things members of these rescue crews said to me is: Senator, we have never worked in a situation in which we were blocked by ice. We are used to dealing with water, but we are not used to dealing with ice on top of the water and having to break through ice in order to get through to people to save them.

Obviously, not all of the stories have had happy endings. We had a terrible tragedy of a young woman and her 3-year-old daughter who were in a car that went off the road. Water filled it. They were able to escape somehow and then tried to walk to a home that they knew about that was out in the country, a farmstead. Unfortunately, the rivers in this part of the State wind in a very unpredictable way and what they encountered, as they were walking in the bitterly cold weather, soaking wet, was, once again, the river. That young woman and her child died in a field south of Fargo, ND.

There are many other stories, tragic stories, and stories of extraordinary heroism, where people were able to make a difference in saving lives and saving property.

I will just conclude by saying I hope we move the disaster supplemental bill with dispatch. I hope we move that legislation in a way that will provide sufficient funding to be able to manage this latest crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized for up to 30 minutes.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the privilege of the floor be extended to Jason Zotalis, an intern in my office, for the remainder of today's morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 592 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 593 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I yield the floor and, in the absence of any other Senator on the floor, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the order?

The PRESIDING OFFICER. We are in morning business until 1 o'clock. Senators have 5 minutes to speak.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask that the time for routine morning business, accordingly, be adjusted.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRAYER IN SCHOOL

Mr. BYRD. Mr. President, I introduced a joint resolution on February 6 to amend the Constitution in order to clarify that document's intent with regard to prayer in our public schools. Senators LOTT, HOLLINGS, FORD, and SMITH of New Hampshire have indicated a desire to have their names added as cosponsors. At the conclusion of my remarks I will ask that be done.

Mr. President, my proposed amendment is short, but it constitutionalizes what the Supreme Court has upheld on a number of occasions; namely, that the Founding Fathers did not intend for Government and the schools to be opponents of religion but rather that they should be neutral and impartial in allowing the practice of all religious beliefs by American citizens and by even the schoolchildren of our Nation.

I have long been concerned by the trends in our schools and in our courts to overzealously eliminate all references—all references—to religion and religious practices. It is now uncommon and rare to see any acknowledgment of the religious underpinnings of major holidays. The unfortunate effect of this misguided overzealousness has been to send the subtle but powerful message to our children that religious faith and practice is something unsanctioned, unimportant, and unsophisticated—something that only small handfuls of people practice, and usually then only on weekends. Indeed, this exorcism of religion from the school day and from most of American life has reached even into the recitation of the Pledge of Allegiance and other important American documents.

I was here on June 7, 1954, when the House of Representatives, of which I was then a Member, added the words "under God" to the Pledge of Allegiance. The next day, on June 8, the Senate likewise added the words "under God" to the Pledge of Allegiance. I think it was on June 20 of that year, 1954, that the President signed the additional language into law.

I understand the thinking of the Founding Fathers when they drafted a Constitution that specifically forbade the establishment of a state religion and that intended to—and does—protect the freedom of all religions to observe the rituals and the tenets of their faith. The Founding Fathers and many of the earlier settlers of this country had fled from nations where State-sanctioned religions had resulted in exclusion from Government participation or even persecution of believers in non-sanctioned faiths. They were generally—talking about the founders of this Nation, the framers of the Constitution, the Founding Fathers, those who voted in the various conventions for the new Constitution—they were generally religious men, as the number of plaques in local churches here attest, proclaiming proudly, for example, that "George Washington attended church here." The freedom to worship was important to them, and they sought at all cost to prohibit the Government of our Republic—the Government of our Republic, not our democracy; our Republic—from assuming the dictatorial powers of a king. Indeed, the Federalist Papers 59, in discussing the differences between the President and a king, specifically observes that the President has "no particle of spiritual jurisdiction." There would be no "Church of America," permitted by the Constitution.

But in discussing the qualifications of elected officials and electoral college members, the authors are clear in encouraging participation by members of all faiths, and they pointedly note that religious belief is not a bar to election or selection. So whether you are a Catholic or whether you are a

Jew or whether you are a Baptist or Methodist, Episcopalian is not something that will bar one from election. In Federalist 57, James Madison writes: "Who are the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of his country. No qualification of wealth, of birth, of religious faith, or of civil profession is permitted to fetter the judgment or disappoint the inclination of the people." But, seeking to keep the Government from dictating a particular religion certainly did not mean that all public professions of faith must be banned, and the courts have sustained that view.

Chief Justice Warren Burger, writing for the Court in Lynch v. Donnelly emphasized what he called "an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."

Now, Mr. President, the words "In God we trust," those words appear on our Nation's currency. Proclamations of days of thanksgiving and prayer, legislative chaplains, the invocation "God save the United States and this Honorable Court" at the opening of judicial proceedings—all these and more reinforce what Chief Justice Burger was asserting when he wrote that the Constitution does not require "complete separation of church and state . . . (but) affirmatively mandates accommodation . . . of all religions, and forbids hostility toward any."

An acknowledgment that faith is, and should be, a part of the everyday life of those who desire it, not just an occasional weekend or holiday exercise, is a message that our children need to absorb. Schools, principals, and administrators should not react in dismay when a student-initiated religious group seeks to meet in a classroom after school. What is wrong with that? That sort of extracurricular activity should be encouraged, not frowned upon. We need not sanctimoniously strike a Christmas carol from the euphemistically named "Winter Concert," nor tiptoe around the observance of a daily "moment of silence" for reflection, meditation, or even, if the child wishes, prayer. And it certainly must be permissible to discuss the role that various religious faiths have played in world history and in the history of our own Nation. Actually, it is imperative to the study of history.

Especially in these troubled days, it is important, in these very significant ways, to send a positive message to children about private faith and religious practice. They spend 6 or more hours a day in school, 180 days or more each year. More and more, in a society where both parents work, schools are where children absorb much of their "life instruction" and develop behavioral and social attitudes, in addition to academic knowledge. School is one of the few places besides church where clean and positive messages are, or should be, instilled in our children, counterbalancing the pervasive violence and seamy morals of television. We put a premium on the diversity of education that they receive in literature, history, geography, science, and mathematics; yet, most public schools are a spiritual dead zone—a spiritual dead zone—completely devoid of even the unspoken understanding that religious faith ought to play a part, perhaps a major part, in people's lives. For fear of offending the sensibilities of the few—we are living in this age of so-called "political correctness." I don't know what that means, and I don't care and don't intend to change my ways and attitudes to be in accordance with "political correctness." For fear of offending the sensibilities of the few, we have denied the needs of the many. A climate of openness and an acknowledgment that many people, including children, can profess and practice different faiths, are needed in our schools, which should not be a spiritual wasteland where even the mere recognition of any spiritual faith is banned.

Mr. President, I am normally and naturally reluctant to amend the Constitution. But I am not one who would say never, never amend the Constitution. Regarding amendments to require a balanced budget, or to provide the President with the line-item veto, I have been vociferously and adamantly opposed. These amendments would fundamentally alter the checks and balances established in the Constitution. But on the financing of political campaigns, I have been willing to seek a constitutional remedy to that scourge of public trust, a scourge that no legislation has ever been able to control. And on this issue of openly acknowledging and accepting the role that prayer and religion can and ought to play in our lives, I believe that an amendment to reaffirm the appropriate neutrality of the Constitution toward prayer and religious activity in school is necessary to swing the pendulum back toward the middle, toward the neutral middle, away from both the existing pole, where the state seems, at least, to have become inimical toward the exercise of religious freedom, and away from the opposite and clearly unconstitutional pole of dictating one religious profession of faith over any other. We do not have to completely discourage any recognition of a Supreme Being in order to avoid favoring one religious faith over another. And to do so is, in effect, a form of religious discrimination which the Founding Fathers would never have sanctioned.

The sum total of this collective effort to bend over backwards to avoid any recognition of a Supreme Being in our schools has had the extremely damaging effect of making any expression of such a belief appear to be undesirable, unfashionable, and even something to be studiously avoided. If one mentions a Supreme Being in some circles, he is considered to be unsophisticated. Children pick up on such messages quickly. And as a result, we have produced several generations of young people largely devoid of spiritual values in their daily lives. Everywhere they turn, they meet the subtle, and perhaps not so subtle, putting down of spiritual values.

Recently, I noted an article in the Washington Post which proclaimed that only 40 percent of U.S. scientists believe in God. Although this is precisely the same percentage as was revealed in a similar survey in 1916—and I am glad it hasn't deteriorated or gotten worse in the meantime, and that is almost worthy of some amazement that it hasn't—I find such a result personally unfathomable.

Who, more than a man or a woman of science, should be more acutely aware that the wonders of the universe could not have just happened? Who, more than an astronomer or a mathematician, or a physicist, or a biologist, intimately familiar with the laws of probability, could better understand the impossibility of the wonders of the universe and all creation occurring simply as a byproduct of fortunate accident?

I wonder how many of these scientists who answered the poll, which indicated that only 40 percent of the scientists believe in a Supreme Being, have read Charles Darwin? Well, no less a pioneering scientific intellect than Charles Darwin, the originator of the theory of natural selection—I have the book here in my hand—refused to rule out a Divine Creator; and he even refers to a Divine Creator in his book, "The Origin of Species."

Darwin asks a very penetrating question, and I'm reading from page 193 of Charles Darwin's volume of "The Origin of Species." Here is the question that he asks: "Have we any right to assume that the Creator works by intellectual powers like those of man?" Now, that is an incisive question because I think we are prone to think of God's intellect in the context of what we think to be or know to be our own intellectual processes, our own intellects. But Darwin asks the question: "Have we any right to assume that the Creator works by intellectual powers like those of man?" That is a great question.

Darwin continues the dovetailing of his scientific theory with the works of the Creator when he writes this on page 194: "Let this process go on . . ."—he is talking about the process of natural selection—"Let this process go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument . . .

might thus be formed as superior to one of glass. . . ." He speaks of a living optical instrument—in other words, the eye, which can adjust itself to light and to distance, and so on, automatically and virtually immediately; whereas, the best camera that the Presiding Officer, PAT ROBERTS, has will have to be adjusted a little bit for light and distance, and he will have to look through it a little bit and adjust this and adjust that. Well, that is what Darwin is talking about when he says: "Let this process go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument (the eye) might thus be formed as superior to one of glass, as the works of the Creator are to those of man?"

So Charles Darwin himself is not backward about speaking of a Creator. "Let this process"—the process of natural selection—"go on for millions of years; and during each year on millions of individuals of many kinds; and may we not believe that a living optical instrument (the eye) might thus be formed as superior to one of glass, as the works of the Creator are to those of man?"

So it is clear that even such a scientific genius as Darwin did not think it to be unsophisticated to believe in a Creator, or make reference to a Creator, a Supreme Being.

I have read and reread many times, Mr. President, the account of creation as set forth in the Book of Genesis in the Holy Bible. I thought it well to read Darwin's theory of "Natural Selection" also. And I have done that. As a matter of fact, when I first read that book some years ago, and it made reference to the Creator in Darwin's "Origin of Species," I was somewhat amazed. I never thought that, after hearing about Darwin's theory—the theory of evolution, and so on—I didn't think he would be so unsophisticated as to make any reference to a Supreme Being, to a Creator. But I found differently.

So it is clear that such a scientific genius as Darwin did not feel the need to rule the Creator out of creation just because man in his limited, narrow, finite intelligence might be arrogant enough to do so. It may just be that such surveys reveal only the desire of some in the scientific field to avoid appearing unsophisticated to their colleagues. For in the minds of many misguided people, to be truly intelligent one must avoid any alignment with the alleged superstition and naivete of religion. What poppycock! For any serious student of science not to express wonder at the mystery of life and the universe and to claim instead that it is all purely a result of an accidental natural physics or chemical reaction is surely an admission of true ignorance and arrogance.

This is not something I know a great deal about, Mr. President. I don't profess such. But I can tell you one thing. There is a hunger in this Nation for a return to spiritual values. It can be seen in the misguided tragedy of the Heaven's Gate cult, looking for a space ship lurking in the tail of a comet to take them to Heaven and away from this miserable, material world. It can be seen in the political strength of the religious right.

Mr. President, I am not of the religious right. I am not of the religious left. I just plainly believe in the old-time religion which I saw exemplified and practiced by two humble parents—foster parents of mine—over the years that I lived with them. It can be seen in the need for our children to focus on something beyond material things in which to anchor their perceptions about right and wrong and good and evil.

In today's turned-around, upside-down society with its diminished values and its emphasis on easy money, casual sex, violence, material goods, instant gratification and escape through drugs and alcohol, our young people need to know that it is OK to have spiritual values, it is OK to follow one's own personal religious guideposts, it is OK to pray, it is OK to recognize and then to do morally the right thing, it is OK to go against the crowd, OK to read the Bible, and OK to read Darwin's theory of natural selection—who knows? This may have been God's way of creating man—and that such activities are not strange, or uncool, or stupid, or unsophisticated.

The language of my amendment is as follows: "Nothing in this Constitution, or amendments thereto, shall be construed to prohibit or require voluntary prayer in public schools or to prohibit or require voluntary prayer at public school extracurricular activities."

I will not take the time today. But one day I want to take the floor, and I want to quote from every President's inaugural speech—every President's, from Washington down to Clinton's—to show that every President was unsophisticated enough to make reference to the Supreme Being in his inaugural speech. All we need to do is travel around this city and see the inscriptions on the walls of the Senate and on the walls of public buildings and museums and monuments to understand that the framers of the Constitution, the founders of this Republic, believed in a higher power. They believed in a Supreme Being. Isn't it folly to claim that the schoolchildren of this Nation should not say a prayer, not be allowed to say a prayer in an extracurricular exercise, at a graduation exercise, if the students want to have a prayer? Who would claim that the framers of the Constitution would be against that?

So my amendment is simple language. It mandates nothing and it prohibits nothing. It simply allows voluntary prayer in our schools and at school functions for those who wish it. Such a course correction is needed to restore balance to a raft of court decisions in the past several years that sometimes in their eagerness to maintain the "wall of separation" in church/state relations have seemingly ruled against the freedom of a large majority of believing Americans to publicly affirm their faiths.

Such a situation is not right, it is not fair, it is not wise, and it certainly is not what the framers had in mind. Their intent was the freedom to practice one's individual faith as one saw fit. Somehow we have gone far, far afield from that original and very sound conception to a point where any public religious practice is actually discouraged. That is certainly the wrong track for a nation founded largely on moral and spiritual principles, and any serious scrutiny of the state of American culture today clearly demonstrates just how badly off track we have wandered.

So I urge all Senators to carefully consider my amendment, and it is my hope that the Committee on the Judiciary will hold hearings this year. This is an urgent matter—an urgent matter for the future of our children and for the future of our country. There is nothing political about it. It doesn't need to be.

Mr. President, I ask unanimous consent that Mr. LOTT, Mr. HOLLINGS, Mr. FORD, and Mr. SMITH of New Hampshire be added as cosponsors of my resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1003 relating to assisted suicide.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1003) to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, rarely do we see a showing of bipartisan agreement similar to the one we witnessed last Thursday when the House of Representatives voted 398 to 16 to pass H.R. 1003, the Assisted Suicide Funding Restriction Act. I look forward to the same showing of bipartisanship today as the Senate considers identical legislation. Except for a minimum of differences, H.R. 1003 is substantively the same as S. 304, which Senators DORGAN, NICKLES, and I introduced in February; 33 Senators are now cosponsors of this bill, which simply says and directs that Federal tax dollars shall not be used to pay for or to promote assisted suicide.

This bill is urgently needed to preserve the intent of our Founding Fathers. The integrity of our Federal programs serving the elderly and seriously ill are at stake without this measure. These are programs which were intended to support and enhance health and human life, not to promote their destruction. Government's role in our culture should be to call us to our highest and our best. Government has no place in hastening Americans to their graves. However, our court system is on the brink of allowing Federal taxpayer funding for assisted suicide.

On February 27, the Court of Appeals for the Ninth Circuit reinstated Oregon's law known as Measure 16. It was the first law in America to authorize the dispensation or the giving of lethal drugs to terminally ill patients to assist in their suicide. Oregon's previous Medicaid director and its Health Services Commission chair have both said independently that once assisted suicide is legal—in other words, when the legal obstacles have been cleared away—assisted suicide would be covered by the State's Medicaid plan, which is paid for in part by Federal taxpayers, individuals from all across America. According to the Oregon authorities, the procedure will be listed on Medicaid reimbursement forms under what I consider to be a misleading but grotesque euphemism. The administration of lethal chemicals to end the lives of individuals will be listed as comfort care.

Although the ninth circuit ruling is subject to further appeals, Oregon may soon begin drawing down Federal taxpayer funds to pay for assisted suicide unless we, the representatives of the people, take action to pass the Assisted Suicide Funding Restriction Act.

Additionally, a Florida court recently found a right to assisted suicide in the State's constitution on the right to privacy. If upheld by the Florida State Supreme Court, this decision would raise the question of State funding for assisted suicide. Such actions would implicate Federal funding in matching programs, just as would the situation in Oregon, programs such as Medicaid. And they would raise questions about the permissibility of assisted suicide in federally owned health care institutions in that State.

So action in Congress is needed at this time to preempt and proactively prevent this imminent Federal funding of assisted suicide which effectively may take place at any moment in the event that the courts clear the way in regard to the situation in Oregon and in Florida.

It is important to note that there was overwhelming approval for this measure in the House of Representatives. As I stated earlier, the House passed this measure by a resounding vote of 398 to 16. Shortly after that vote, the White House issued a policy statement saying, "The President has made it clear that he does not support assisted suicides. The Administration, therefore, does not oppose enactment of H.R. 1003, which would reaffirm current Federal policy prohibiting the use of Federal funds to pay for assisted suicides and euthanasia." In light of these events, the Senate should act swiftly to pass this legislation so that it will become the law of the land.

I would like to give the legislative history for the Assisted Suicide Funding Restriction Act in order to respond to some people who might say that the Senate is taking up this legislation too quickly.

The Assisted Suicide Funding Restriction Act is not new. It has received more than adequate consideration. It was introduced in both Houses in the last session of Congress. On April 29 of last year the House held hearings. On February 12, 1997, the Senate introduced its bill. On March 6, the House held hearings on the topic of "Assisted Suicide: Legal, Medical, Ethical and Social Issues." On March 11, 1997, the House introduced legislation. On March 13, the House Commerce Committee Subcommittee on Health and Environment met in open markup session and approved H.R. 1003 for full committee consideration. On March 18 the bill was ordered favorably reported by the Ways and Means Subcommittee to the full committee by a voice vote. Because he found the legislation to be noncontroversial, Chairman ARCHER decided that a markup in the full Ways and Means Committee was unnecessary, and he turned out to be a prophet in suggesting its lack of controversy when in fact on April 10 the House of Representatives passed the measure by a vote of 398 to 16.

Of course, the House legislation is virtually identical to S. 304, and the intention of the bill simply is to say that we do not think it appropriate that funds which were gathered and taxed in order to provide medical assistance to individuals to enhance their lives should be used to end their lives.

It is important also, though, to take a look and clearly develop an understanding of what this bill does not do. While it is clear that the Assisted Suicide Funding Restriction Act prevents Federal funding and Federal payment for or promotion of assisted suicide, it is also just as important to understand there are things this bill is not designed to do. This is a proposal that is very limited and very modest.

No. 1, it does not in any way forbid a State to legalize assisted suicide or even to provide its own funds for assisted suicide. It simply says Federal resources are not to be used to promote or conduct assisted suicides. After passage of this bill, States might choose to legalize or fund assisted suicide, but they would not be able to draw on Federal resources normally drawn upon in joint efforts between the State and the Federal Government for the provision of health services.

No. 2, this bill also does not attempt to resolve the constitutional issue that the Supreme Court considered in January when it heard the cases of Washington versus Glucksberg and Vacco versus Quill. Those cases involved the question of whether there is a right to assisted suicide or whether there is a right to euthanasia.

This bill does not try to answer that complex question. This bill simply says the Federal Government should not be involved in funding or paying for assisted suicides or paying for the promotion of assisted suicide.

As the bill's rule of construction clearly provides as well, it does not affect abortion. It is not designed to deal with the question of abortion. Members of this body have a widely divergent set of views on that important issue, as I do personally, but this bill is not designed to affect that issue. It does not affect complex issues such as the withholding or withdrawing life-sustaining treatment, even of nutrition and hydration. Those issues are not affected by this measure.

Nor does this legislation affect the dispensation of large doses of drugs that are designed to ease the pain of terminal illness. We know that virtually all medical procedures have some risk of not achieving the therapeutic impact desired but as a matter of fact may impair the health of an individual. This bill is not designed for those situations and instances. This bill is designed to prohibit Federal funding of the administration of lethal doses of drugs and other methods used for the purposes of assisting in suicide or for using Federal funding to promote such assisted suicide.

It is with that in mind that we believe there should be a broad bipartisan consensus which will support this bill and we hope will carry it forward in a

way similar to the way in which the House of Representatives has so done. This legislation has wide support from the public and important organizations as well and has wide support in the Senate.

It is crystal clear to me and I think to most around us that the American people do not want their tax dollars spent on dispensing toxic drugs with the sole intent of assisting suicide. Recently, a national Wirthlin poll showed that 87 percent of the public opposed such a use of public funds. We would be derelict in our duty were we to allow a few officials in one or two States to command the taxpayers of all the other jurisdictions in America to subsidize the practice of assisted suicide, especially when that practice is against the intention of the individuals in those other States.

The Assisted Suicide Funding Restriction Act has been endorsed by such groups as the American Medical Association and the National Conference of Catholic Bishops, both of which have submitted letters of support to the Congress.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, April 15, 1997.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: The American Medical Association (AMA) is pleased to support H.R. 1003, the "Assisted Suicide Funding Restriction Act of 1997," as passed overwhelmingly by the House of Representatives on April 10th, and the companion bill, S. 304, sponsored by Senators Ashcroft and Dorgan. We believe that the prohibition of federal funding for any act that supports "assisted suicide" sends a strong message from our elected officials that such acts are not to be encouraged or condoned.

The power to assist in intentionally taking the life of a patient is antithetical to the central mission of healing that guides physicians. While some patients today regrettably do not receive adequate treatment for pain or depression, the proper response is an increased effort to educate both physicians and their patients as to available palliative measures and multidisciplinary interventions. The AMA's Ethics Institute is currently designing just such a far-reaching, comprehensive education effort in conjunction with the Robert Wood Johnson Foundation (see attached materials).

The AMA is particularly pleased to note that H.R. 1003 acknowledges—in its "Rules of Construction" section—the appropriate role for physicians and other caregivers in end-of-life patient care. The Rules properly distinguish the passive intervention of withholding or withdrawing medical treatment or care (including nutrition and hydration) from the active role of providing the direct means to kill someone. Most important to the educational challenge cited above is the Rule of Construction which recognizes the medical principle of "secondary effect," that is, the provision of adequate palliative treatment, even though the palliative agent may also foreseeably hasten death. This provision assures patients and physicians alike that legislation opposing assisted suicide will not chill appropriate palliative and end-of-life care. Such a chilling effect would, in fact, have the perverse result of increasing patients' perceived desire for a "quick way out."

We are fully supportive of the amendment to H.R. 1003, adopted by the House Commerce Committee, which would provide for further opportunity to explore and educate physicians and patients on avenues for delivering improved palliative and end-of-life care. We caution, however, against any amendment that may be offered during the bill's Senate consideration which might have the effect of mandating specific medical education curriculum in this area. The AMA has a long standing policy against federal mandates being placed on medical school education.

The AMA continues to stand by its ethical principle that physician-assisted suicide is fundamentally incompatible with the physician's role as healer, and that physicians must, instead, aggressively respond to the needs of patients at the end of life. We are pleased to support this carefully crafted legislative effort, and offer our continuing assistance in educating patients, physicians and elected officials alike as to the alternatives available at the end of life.

Sincerely,

P. JOHN SEWARD, MD.

NATIONAL CONFERENCE OF CATHOLIC BISHOPS, SECRETARIAT FOR PRO-LIFE ACTIVITIES,
Washington, DC, April 15, 1997.

DEAR SENATOR: Having been approved 42-to-2 by the House Commerce Committee and 398-to-16 by the full House of Representatives, the Assisted Suicide Funding Restriction Act (H.R. 1003) will soon be considered on the Senate floor. I write to urge your support for this important legislation.

While no federal funds are being used for assisted suicide at present, federal programs generally lack a written policy on the issue; those few programs which address it do so only in program manuals or interpretive memoranda. Current efforts to legalize assisted suicide by referendum (Oregon) or interpretation of state constitutions (Florida) have raised questions about the use of federal funds and health facilities with a new intensity. In our view, this fundamental issue deserves and demands clear policy guidance from Congress.

This bill will prevent the use of federal funds and health programs to support and facilitate assisted suicide, even if the practice becomes legal in one or more states. It will not prevent a state from legalizing assisted suicide or supporting it with state funds. The bill also clearly states that it will have no effect on distinct issues such as abortion, withdrawal of medical treatment, or the use of drugs needed to alleviate pain even when life may be shortened as an unintended side-effect. Due to its clear and limited scope, H.R. 1003 has received strong bipartisan support and been endorsed by religious, medical and disability rights leaders who may differ on other issues.

Section 12 of H.R. 1003 encourages the Department of Health and Human Services to fund demonstration projects for improved care for persons with disabilities and terminal illness. This section also urges HHS to emphasize palliative care in its programs and to study the adequacy of current medical school curricula on pain management. Information gathered through these modest efforts will, we hope, lead to more extensive and carefully formulated improvements in care for these vulnerable populations in the future.

No one should see H.R. 1003 as a complete response to the inadequacies of our health system in its treatment of disability and terminal illness. The bill's central goal is both modest and urgently necessary: ensuring that the federal government will play no part in legitimizing and institutionalizing assisted suicide as a response to health problems. As acting Solicitor General Walter Dellinger recently said in opposing the idea of a "right" to assisted suicide, "the least costly treatment for any illness is lethal medication." In a health care system too often driven by cost pressures, Congress should say loud and clear that it does not hold human life to be so cheap.

Sincerely,

RICHARD M. DOERFLINGER,
Associate Director for Policy Development.

Mr. ASHCROFT. Additionally, groups such as the National Right to Life, the American Geriatrics Society, Family Research Council and Physicians for Compassionate Care have endorsed this legislation, and nearly one-third of the Senate has signed on as cosponsoring the Assisted Suicide Funding Restriction Act, 33 Senators from both sides of the aisle. I am confident that our vote later today will prove that an even greater number of Senators will support and do support this measure.

This is not just something which I feel should be prohibited because most Americans are against it. I feel it is wrong for Kevorkian's house calls to be paid for by Federal tax dollars. The next time Kevorkian decides to end a life, we should not foot the bill. And unless we take action, that can happen.

I feel it is wrong and would argue against allowing for assisted suicide altogether. In cultures where the focus is on assisted suicide, there is not much emphasis on how to ease pain or how to help people confront those life-ending illnesses through hospice programs. There are some dramatic differences among European countries that have differing policies on assisted suicide. England, which prohibits assisted suicide, has a substantial effort directed at helping people in the terminal stages of disease, while the Netherlands, which allows assisted suicide, has not made such efforts.

So public policy in this arena does make a difference, and it makes a difference on moral grounds. Really, we are focused on very narrow grounds in this particular instance. We are focused on the idea of whether or not tax resources of the Federal Government should be used to assist in suicide.

Obviously, there are practical reasons not to allow Federal funding for assisted suicide. There are cases, many of them in the literature, where there was an improper diagnosis, so that it appeared there was a terminal disease but when someone's autopsy was conducted after an assisted suicide, it was found it was not a terminal disease.

That is a mistake which is irreversible. I believe that for us to fund assisted suicides is to be involved in an extremely risky business; it is to deny the will of the people of the United States; it is to engage in the ending of life rather than the enrichment of life, which is what these medical programs were all about when they were created and funded in the Congress.

I believe it is clear we should signal our intention, an intention consistent with the President of the United States, who has basically endorsed this measure after its passage by the House, consistent with the American Medical Association and a wide variety of other groups that indicate that Federal funding of assisted suicide would be inappropriate.

Our Government's role should be to protect and preserve human life. Federal health programs such as Medicare and Medicaid should provide a means to care for and protect our citizens, not become vehicles for their destruction. The Assisted Suicide Funding Restriction Act will ensure that our policy in this area will continue.

Today, the Senate has an opportunity to act proactively, to take the right steps in advance of these threats which are imminent but are not quite upon us, the threat that these legal obstacles might be cleared away and we would be called upon to participate in the funding of assisted suicide under something as misleading and grotesque as the concept of "comfort care" in the State of Oregon.

Today, the Senate has an opportunity to act responsibly before the situation arises in which Federal health care dollars would be used to end the lives of citizens of this country. I urge my colleagues to join together to pass the Assisted Suicide Funding Restriction Act.

We should not hook up Dr. Kevorkian to the U.S. Treasury, especially when he tries to sever the lifeline to individuals who are in distress. The next time Dr. Kevorkian makes a house call, taxpayers should not foot the bill. It is time for us to respond to what we know the American people's desire to be. It is time for us to say we will not allow the use of Federal funds to assist in suicide.

Mr. BOND. Mr. President, today, I rise in strong support of the Assisted Suicide Funding Restriction Act, which would prevent Federal funds and Federal programs from promoting and paying for the practice of assisted suicide.

We must send a clear signal that Federal tax dollars should not be used for a practice which is neither universally permitted nor accepted, and one which is clearly immoral and unethical.

Many people may be wondering, "Why do we need Federal legislation to prohibit the use of Federal funds for such an abhorrent practice?" Let me take a few moments to lay out the reasons.

Both the Second Circuit Court of Appeals in New York and the Ninth Circuit Court in San Francisco have struck down State laws that criminalized assisted suicide in the States of New York and Washington on the grounds that the laws violate the due process clause and the equal protection clause of the U.S. Constitution.

In January of this year, the U.S. Supreme Court entered this emotional debate by hearing oral arguments on the aforementioned cases. A highly anticipated decision is expected within the next couple of months.

The plaintiffs are contending they have a constitutional right to physician assisted suicide. If these circuit court decisions are upheld, then there would be a nationwide constitutional right to assisted suicide, euthanasia, and mercy killing and the issue of whether Federal funding, under Medicare, Medicaid, title XX, and other programs, for such an action would immediately be at hand.

Moreover, Oregon has passed the Oregon Death with Dignity Act, which makes it legal for physicians to prescribe lethal doses of drugs in certain circumstances. Although a preliminary injunction blocking the law's enactment has been granted, Oregon's Medicaid director and Health Services Commission chair have both said that once assisted suicide is legal, the State would begin subsidizing the practice under Oregon's Medicaid plan.

The Health Care Financing Administration has said that killing patients is not a proper form of treatment and therefore should not be covered under Medicare. I am, of course, pleased that we have those administrative interpretations out there.

But there are others who are prepared to go to court to fight for a different interpretation. A March 6 Reuters newswire story quotes Hemlock Society spokeswoman Dori Zook as saying, "Obviously, we feel that Medicaid and Medicare should be used for assisting suicide."

All it takes is for one district court judge to concur with that belief. Federal law uses broad language in determining what Federal programs will and will not pay for. For instance, Medicare pays for services that are "reasonable and necessary for the diagnosis and treatment of illness or injury." If just one judge agrees with the Hemlock Society and believes that assisted suicide is appropriate medical treatment, then Federal tax dollars could fund assisted suicide in a State where the practice is legal.

If the Supreme Court were to rule that there is a constitutional right to assisted suicide, euthanasia advocates will certainly bring suit for it to be considered just another medical treatment option that must be eligible for funding under Medicare, Medicaid, and other Federal programs.

We need this legislation to prevent this from happening.

And it is not too soon to do so. Far too often, Congress reacts to problems. Today, however, we have an excellent opportunity to be pro-active, not simply reactive. We do not want to wait until the money is already flowing and then try to stop it. We want to stop it before it even starts.

On a related note, it is imperative that we focus this debate on how we, as a decent society, can support and comfort life instead of promoting destructive practices such as euthanasia and assisted suicide. We must work together to ensure the provision of compassionate care for dying persons and their families. We must practice effective pain management, encourage patient self-determination through the use of advance directives, promote the utilization of hospice and home care, and offer emotional and spiritual support when necessary.

Five Catholic health care systems and the Catholic Health Association of the United States have set out to achieve these goals and have formed Supportive Care of the Dying: A Coalition for Compassionate Care. The coalition, including Carondelet Health System, Daughters of Charity, Franciscan Health System, PeaceHealth, Providence Health System, and CHA, is developing comprehensive delivery models, practice guidelines, and educational programs—all with the goal of promoting appropriate and compassionate care of persons with life-threatening illnesses and their families.

These are the goals our Nation must strive for and support. We must promote death with dignity and respect, and not death by the draconian means of assisted suicide.

Let me close with a quotation from an eminent bioethicist at Georgetown University who believes that assisted suicide, and therefore the funding of assisted suicide, tears down the moral structure of our society. He has written that rules against killing "are not isolated moral principles, but pieces of a web of rules that form a moral code. The more threads one removes then the weaker the fabric becomes."

And indeed, assisted suicide is a form of killing, and if we allow for the federal funding of this horrific act, then we risk minimizing the importance of life.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President. I appreciate and am impressed with the thoroughness with which the two Senators from Missouri have covered this particular issue, but I do have a few additional comments I would like to add.

I do rise in support of the Assisted Suicide Restriction Act of 1997, H.R.

1003. I am reminded of the story that I heard when I was very young, and it had an impression which has carried over the years.

It is a story of a kid out playing, and he saw his father carrying this large basket. He went over and asked his dad what it was all about.

He said, "Well, you know, your grandfather had not been very well, not doing well at all, not able to contribute anymore. We sensed he really did not enjoy life anymore. So he is in the basket, and I am taking him down to the river."

The little boy was not impacted much from that. The kid said, "What are you going to do with the basket when you are done?"

He said, "Why are you so concerned about the basket?"

He said, "Because some day I am going to need it for you."

It is important that we as a Congress reaffirm our commitment to the sanctity of human life in all its stages. This is one of the primary duties of the U.S. Senate and as members of a civilized society. The sanctity of human life was clearly articulated in our Nation's charter. The Declaration of Independence counts the right to life as one of the self-evident and unalienable rights with which we have all been endowed by our Creator.

By safeguarding the right to life, our Government fulfills its most fundamental duty to the American people. By violating that right to life, we violate our sacred trust with our Nation's citizens and the families of our country and the legacy that we will leave to those not yet born.

The legislation now before us takes an important step in restoring our Nation's commitment to the importance of the lives of all Americans, especially those who suffer from serious illnesses. This bill would prohibit the direct or indirect use of any Federal funds for the purpose of causing the death of a human being by assisted suicide. It would assure the American people that their hard-earned tax dollars would not be used to fund a principle that they do not believe in—suicide. It would also help Federal dollars to be provided in the form of grants to public and private organizations to help people with chronic or serious illnesses who may be considering suicide.

This legislation would not affect individual States' living will statutes regarding the withholding or withdrawing of medical treatment or medical care. It simply prohibits the Federal Government from directly, or indirectly, funding assisted suicides. We, as a society, must demonstrate our respect for the life of all Americans, especially those who are sick and needy.

Mr. President, when I ran for office, I campaigned on the pledge that I would fight for all life. I was elected on that pledge and sent to Washington where I took an oath to uphold and defend the Constitution of the United States. Physicians also take on the rigors of a campaign to become doctors. Although they are not voted into office, they work just as hard to fulfill their commitments and receive their degrees. Upon graduation, all physicians are intimately familiar with the Hippocratic Oath and its basic premise: First, do no harm. If I might quote from that oath specifically, it says:

> I will use treatment to help the sick according to my ability and judgment, but I will never use it to injure or wrong them. I will not give poison to anyone though asked to do so, nor will I suggest such a plan.

Those powerful words reflect a great insight and wisdom into the human condition. Though they were written so many years ago, they still resonate today. I share them with my colleagues as I urge their support for this legislation. It is our future, too.

I yield back the remainder of my time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased today to rise to join my colleague from Missouri, Senator ASHCROFT, in support of this legislation. This piece of legislation was passed by our colleagues in the U.S. House with overwhelming and bipartisan support last Thursday, April 10. The Senate version of this legislation was introduced on February 12 by Senator ASHCROFT and myself, and we had 33 bipartisan cosponsors for that version.

This is not the first time this bill has been introduced in the Senate. Senator ASHCROFT and I also introduced this legislation in the last Congress, but that Congress was not able to take up this legislation, so we reintroduced it earlier this year. I am pleased the Senate is today considering this legislation as it has been passed by the House of Representatives.

This legislation is very, very simple. It will ensure that Federal tax dollars are not used to pay for the costs associated with assisted suicides. Mr. President, I do not know about all of the anguish, the torment and difficulties that are faced by terminally ill individuals toward the end of life who must make critical decisions. I recall before my father's death sitting in the hospital one evening in North Dakota and hearing the cries of pain suffered by someone in a room down the hall, someone who mercifully died the next morning.

I thought that evening about some of these issues, and I do not know what I or others might do in a similar circumstance. I am not here to make judgments about those types of decisions. The decision about whether assisted suicide is protected by the Constitution will be made across the street by the Supreme Court. We do not attempt in this legislation to address the question of whether someone has a right to end one's life. This bill does not address that at all, and I do not stand here today making judgments about it.

Rather, the decision we are faced with today in the Senate, about whether Federal funding should pay for this practice, is a decision that was really presented to us by an action one State has taken. The State of Oregon has decided it will sanction and pay for physician-assisted suicides through its Medicaid program, which is paid for with matching Federal dollars. As a result of these decisions by the State of Oregon, Federal health care dollars may soon be used to pay for those physician-assisted suicides without Congress ever having made an affirmative decision to allow that.

When Oregon's referendum to legalize assisted suicide passed by a narrow margin, it was contested in the courts, and its implementation has been held in abeyance since then. However, the Ninth Circuit Court of Appeals dismissed the challenge to Oregon's law on a technicality in late February. That decision is being challenged by opponents of Oregon's law, but this action means that Federal funding for assisted suicide in Oregon could soon be a reality.

What Senator ASHCROFT and I and others are saying is that we do not want Federal tax dollars, through the Medicaid Program or any other program, to ever be used to help pay for physician-assisted suicides. We do not believe that is what American taxpayers ever intended should be done with their tax dollars that come to Washington, DC. Tax dollars used for health care purposes ought to be used to enhance life, not end life. So again, our legislation very simply says that we will prohibit the use of Federal funding to assist in suicides.

I have told you what this legislation does. Now let me tell you what it does not do. First of all, this legislation says that the ability of terminally ill patients to decide to withhold or withdraw medical treatment or nutrition or hydration is not limited for those who have decided they do not want their life sustained by medical technology. In other words, this legislation does not address this issue at all. The withdrawal of medical treatment or services, which is already legal in our country and which patients in conjunction with their families and doctors decide they want to do, is not prohibited at all by our legislation. Our legislation does not speak to this issue. Our legislation speaks to the narrow, but important, issue of Federal funding for physician-assisted suicides.

Our legislation also does not put limits on using Federal funding for health care or services that are intended to alleviate a patient's pain or discomfort,

even if the use of this pain control ultimately hastens the patient's death.

Finally, our legislation does not prohibit a State or other entity from using its own dollars to assist a suicide. We are not saying what a State may or may not do. We are only saying that a State may not use Federal money to pay for assisted suicide. We have raised and appropriated money at the Federal level to do certain things in our Federal system. One of these important purposes is to help pay for health care, and I am convinced that our constituents want this funding to be used to extend life, not to end life. This legislation is important because it reaffirms the principle that Federal health care dollars should be used to improve and prolong life. This bill will reaffirm that all people are equal and deserving of protection, no matter how ill or disabled or elderly or depressed a person may be.

Some might say, "Well, you have come to the Congress with a bill that is premature, because there is not now Federal funding for assisted suicide." That is correct for now but that situation may soon change. The law already exists in one State that forms the basis for requiring Federal funding of assisted suicides if Congress does not act. Therefore, the Congress must intervene to say that is not our intention that Federal money be used for that purpose. So this is not premature at all.

Those who say, "Federal funding of assisted suicide is not happening, therefore, you need do nothing," do not understand that if we do not act, we effectively allow the use of Federal funds for use in assisted suicides. I think we speak for the vast majority of the American people when we say that tax money should not be used to facilitate assisted suicides.

Let me end where I began by saying that this is not legislation that intends to make legal of moral judgments about assisted suicide. For States and citizens around our country, this is a very difficult and wrenching issue, and it has gotten a lot of press because of one doctor who facilitates assisted suicides.

I expect behind all of those news reports are patients and families who are faced with these very difficult decisions about pain they believe cannot be controlled, life they think is not worth living. I have seen too many circumstances in which I feel really unqualified to pass judgment on the decisions of others. But I do stand here with a great deal of certainty about what uses we ought to be sanctioning for limited tax dollars. When we raise precious tax dollars to spend in pursuit of public health care, I am convinced that the vast majority of the American people do not believe those dollars ought to be spent in the pursuit of assisted suicides. And that is what our legislation reaffirms simply and plainly.

I am pleased to have worked with the Senator from Missouri, Senator ASHCROFT, who has done a substantial amount of work in this area. I hope and expect we will enact our legislation here today in the Senate and send this bill to the President. When we pass this bill later this afternoon, we will have done something that is worthy and has great merit.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Missouri.

Mr. ASHCROFT. Likewise, I would like to extend my thanks and the thanks, I believe, of the American people, to Senator DORGAN for taking this important step and for having the foresight to do it in advance of some commitment of the Treasury. We are perilously close to having Federal funds used in this respect. A court decision stands between us and that potential. But having the foresight to prepare in advance is appropriate, and I thank him for his excellent work.

I am pleased to note that there are others who want to speak on this issue. I look forward to hearing Senator HUTCHINSON's remarks.

I would just say that one of the reasons I am not eager to see Federal funding provide the resource for assisted suicide is that in so many cases that I have known, the diagnosis was missed. It seems to me particularly tragic to think you would seek to fund a suicide on one set of facts and to find out that it was not the case.

I am reminded of a case reported in the Washington Post—and I make reference to it and will submit it for inclusion in the RECORD—from July 29, 1996.

A twice-divorced, 39 year-old mother of two from California, allegedly suffering from multiple sclerosis, checked into a Quality Inn and received a lethal injection—becoming the most recent person to die with Dr. Kevorkian's help. Though her death warranted little notice nationwide, authorities at least had one major question.

According to the doctor who autopsied her body—"She doesn't have any evidence of medical disease." The county medical examiner said in an interview, "I can show you every slice from her brain and spinal cord," obviously, from the pathology reports, "and she doesn't have a bit of MS. She looked robust, fairly healthy. Everything else is in order. Except she's dead."

From the Washington Times, Tuesday, October 1, 1996, another individual, Richard Faw, who reportedly suffered from terminal colon cancer.

The medical examiner wrote: "There was some residual cancer in the colon but none present in the kidney, lungs or liver. . ." He went on to say, "He could have lived another 10 years, at least."

It seems to me it would be particularly ironic to be forced to spend resources that we have committed to protecting and preserving health if we were to be committing those resources unduly and inappropriately based on mistaken diagnoses to destroy individuals.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Monday, July 29, 1996]

JUST HOW SICK WAS REBECCA BADGER?; JACK KEVORKIAN HELPED END HER LIFE, AND THAT'S WHEN THE QUESTIONS BEGAN

(By Richard Leiby)

There's no question that Rebecca Badger wanted to die. At 39, she was using a wheelchair, losing bowel and bladder control, and enduring what she called "excruciating" pain. Multiple sclerosis, her doctors said—a debilitating disease that can be treated but not cured.

There's also no question that Badger suffered from episodes of depression, as many MS patients do. In her misery, she turned to the man she considered her only hope for release: Jack Kevorkian, the retired pathologist widely known as "Dr. Death."

On July 9, the twice-divorced mother of two from California checked into a Quality Inn here and received a lethal injection—becoming the most recent person to die with Kevorkian's help, No. 33 for those keeping track.

Though her death warranted little notice nationwide, for authorities here at least one major question persists: Was Badger actually sick?

Not according to the doctor who autopsied her body. "She doesn't have any evidence of medical disease," L.J. Dragovic, the county medical examiner, said in an interview last week. "I can show you every slice from her brain and spinal cord, and she doesn't have a bit of MS. She looked robust, fairly healthy. Everything else is in order. Except she's dead."

If Dragovic's findings are accurate, the Badger case presents an intriguing medical mystery amid an ongoing debate over how to ensure that people who choose euthanasia are mentally competent and not hastening their deaths because of depression.

Kevorkian's screening methods were examined in three criminal trials involving five deaths, and he was acquitted each time. Those cases included a 58-year-old woman with a history of psychiatric problems who suffered from severe pelvic pain for which doctors could find no physical cause.

Multiple sclerosis, which afflicts an estimated 350,000 Americans, is a disease of the central nervous system that tends to strike young adults. It is often difficult to diagnose and sometimes cannot be confirmed until the patient has died and the brain and spinal tissue can be examined.

Attorneys for Kevorkian would not make their client available for comment. One of them called the medical examiner "a liar," insisting that "hundreds" of medical records proved that Badger had an advanced case of multiple sclerosis. Christy Nichols, Badger's 22-year-old daughter, who held her mother's hand as she died, said: "All I know is that her pain was insurmountable. I would not want to inflict that on anyone."

"She was constantly hospitalized with constant and crippling MS," said lawyer Geoffrey Fieger, who has represented Kevorkian

for six years. Fieger petitioned the U.S. Supreme Court last week to end Michigan's ban on Kevorkian's work. Today they will appear at the National Press Club in Washington as part of their crusade to legalize what Kevorkian calls "medicide."

That crusade has gathered increasing support since Kevorkian's first assisted suicide six years ago. Earlier this year, federal appeals courts struck down laws against physician-assisted suicide in the states of Washington and New York, ruling that mentally competent, terminally ill adults have a constitutional right to assistance in ending their lives.

Even proponents of euthanasia say the ambiguities of some of the Kevorkian cases point to the need for tight regulation. An Oregon law, approved by voters in 1994 but blocked by a federal judge, forbids a doctor to write a lethal prescription for a terminally ill patient if the doctor suspects that the person suffers from depression.

"The Badger case is clearly worrying," said Derek Humphry, founder of the pro-euthanasia Hemlock Society and author of the million-selling book "Final Exit." "There must be the most careful evaluation of such cases. We need a sound, broad law which permits hastened death in justifiable cases, and we need very thoughtful guidelines that the medical profession can work with."

Interviews with Badger's doctors and daughter leave several questions unresolved: Most important, what was the cause of her illness? Also, how severe were her psychological problems? Were her California physicians properly consulted by Kevorkian's advisers? And could Badger's suffering have been solely the result of a psychiatric disorder—a possibility not discounted by one of her doctors?

"Would a competent psychiatrist have been better than a lethal injection? I understand the question—I've been asking it myself," said Johanna Meyer-Mitchell, a family practitioner in Concord, Calif., who treated Badger for nearly 11 years. "There never was any objective evidence as to why she was in as much pain as she said she was in."

Meyer-Mitchell said she was unaware that her patient was seeking the services of Kevorkian when Badger recently requested that her medical records be sent to two Michigan doctors. "If I had known this is what she was planning or thinking of, I would have tried to intervene to get her psychiatric help," Meyer-Mitchell said.

Badger didn't want to take antidepressants and was displeased with the outcome of an earlier consultation she'd had with a psychiatrist, according to Meyer-Mitchell. "She said, 'They think this is all in my head.'"

Fieger released some of Badger's medical records to the Washington Post, saying they would prove that Dragovic's autopsy results were false. But the records—which included case summaries from Badger's two primary physicians—and interviews with other experts left open the possibility that Badger did not have MS.

A case summary by Meyer-Mitchell states there was "fairly minimal" evidence that Badger had the disease. Badger's doctors said her brain scans were inconclusive, and spinal fluid tests suggested MS but were not definitive. In such cases doctors render a diagnosis of "possible MS" because nothing else explains the patient's symptoms.

"She didn't have the nice, well-wrapped-up package of MS symptoms that many other patients have," said neurologist Michael Stein, of Walnut Creek, Calif. Stein said he made the diagnosis of possible MS in 1988 and said his confidence increased because of progressive symptoms that included limb weakness—Badger limped and also used a walker—and bladder and bowel dysfunction. By June 24, when he wrote a note to accompany Badger's medical records, his diagnosis was unqualified: "She has multiple sclerosis."

But in a interview Friday, Stein said he was never absolutely sure. "There was concern, and there was a question about it. That an autopsy didn't find it, I'm surprised, is all I can say."

Stein also stated in the June 24 note that Badger never suffered from depression "to my knowledge." In an interview, he said, "I concerned myself with MS." But he acknowledged that Badger followed the typical pattern of what is called "relapsing, remitting" MS, during which symptoms—and spells of depression—come and go.

Meyer-Mitchell's records explicitly state a diagnosis of depression. And a May 20, 1996, record of Badger's visit to Meyer-Mitchell's office shows that the patient herself checked off "depression," "confusion" and "trouble concentrating" among her problems.

Badger also was "a survivor of sexual abuse as a child," Meyer-Mitchell wrote, and had "a history of chemical dependency and alcoholism."

On July 2, Stein said, he received a fax from Georges Reding of Galesburg, Mich., who identified himself as a "psychiatric consultant" to Kevorkian and stated that Badger was a candidate for physical-assisted suicide.

According to Stein, Reding inquired about putting Badger on Demerol for pain control. Stein said he faxed back a note saying that Reding should contact Meyer-Mitchell. Reding never contacted her, Meyer-Mitchell said.

"The next thing I hear [on the radio eight days later] is that she's an assisted suicide," recalled Stein. "I said, 'What!?' * * * I presumed they would talk her out of it. I was dead wrong."

Reding, who in May signed a death certificate in another Kevorkian-assisted suicide of an MS patient, did not respond to a request for comment.

Since that May 6 suicide, Kevorkian has been advised by a small group of doctors calling itself Physicians for Mercy. The group, which since then apparently has been involved in six assisted suicides, has developed guidelines that promise a thorough review of a patient's medical records, a consultation with a "specialist dealing with the patient's specific affliction" and an evaluation by a psychiatrist "in EVERY case."

"If there is any doubt about it—the slightest doubt—the patient will be turned down," said internist Mohamed El Nachef of Flint, Mich., a member of the group. He added that patients approved for doctor-assisted suicide "are making rational decisions. They are not depressed and they are not lunatics, and their requests are very reasonable. You cannot deny them their request to stop suffering."

El Nachef would not comment on whether he medically evaluated Badger or was present at her death but said, "I don't think there is any doubt about the extent of her disability or about her diagnosis."

A HARD LIFE

Badger's adult life, by several accounts, was one of disappointment, recurring medical woes and financial worries. Married at 17, divorced by 19, she raised two girls largely on her own in Contra Costa County, east of Oakland. In 1985 she was diagnosed with cancer and rarely was able to work after that.

Badger had a hysterectomy to remove the cancer and surgeons later removed her ovaries. She was free of cancer, Meyer-Mitchell said, but the MS symptoms and other maladies persisted.

Doctors prescribed Badger morphine and Demerol for pain and Valium for spasms. But according to Nichols, her elder daughter, some physicians also believed her mother might have been abusing drugs.

"She lost total faith in the system," Nichols said.

Badger's second marriage, in the early '90s, broke up after only a year. Her symptoms worsened steadily after that, she grew despondent, and by 1994 she mentioned to Nichols that she might want to seek out Kevorkian. In January, Badger moved south to live with her daughter near Santa Barbara.

Nichols said it's "ridiculous" for anyone to conclude that her mother did not have a major physical disease. "I would literally have to drag her to the restroom. She would have her arms wrapped around my neck—who wants a life like that?

"She was sick. Do you think I would let my mother go [to Michigan] and I would hold her hand while she was dying if it wasn't true?"

Nichols and her mother flew to Detroit on July 8, a Monday. About 8 the next morning, Kevorkian and three others joined Badger and her daughter in a suburban hotel room.

Nichols said Kevorkian asked her not to discuss in detail what happened that night, or identify any other participants. But they included a psychiatrist who had talked with her mother on the telephone "numerous times" in the past, she said.

The psychiatrist's on-site assessment lasted about a half-hour, Nichols said. The result?

"He told my mother she was more sane than he was."

Badger signed forms and some of the proceedings were videotaped, as is Kevorkian's custom. He often asked Badger, "Are you sure this is what you want?" and told her she could "stop the process at any time." Nichols recalled.

Badger's right arm had a dime-size bruise consistent with an injection, autopsy photos show. In previous deaths, Kevorkian has used a so-called "suicide machine" that delivers a heart-stopping dose of potassium chloride, and also allows the patients to press the button that delivers the poison.

Nichols doesn't recall her mother's exact last words. "She said she loved me, repeatedly."

Kevorkian wheeled Badger's body into the emergency room at Pontiac Osteopathic Hospital around 11:45 p.m. He was accompanied by another doctor whose identity has not been released.

Departing this life, Badger wore dark leggings and a loose T-shirt advertising "Time Warner Interactive." In the coroner's snapshots, her brown hair was unkempt and her face bereft of makeup.

THE AUTOPSY DISPUTE

Dragovic, the medical examiner, said it was still unclear what killed Badger. Her blood contained morphine and it was "highly likely that potassium chloride was part of the combination," he said. Police have filed no charges.

Fieger, Kevorkian's attorney, has often publicly criticized Dragovic, whose office has performed autopsies in 26 of the 33 cases Kevorkian has been involved with since 1990.

Fieger once offered to wager $1 million that the pathologist's findings were wrong in

the autopsy of a woman whose breast had been removed because of cancer. Dragovic said his examination showed no invasion of the cancer to vital organs, but Fieger insisted that her body was ravaged by the disease.

"Dr. Dragovic is a liar," Fieger said last week about the Badger case, again offering a bet: "I will put up a million dollars that Rebecca Badger had severe and crippling MS."

"Could he double the stakes?" Dragovic responded, laughing. "With $2 million, we could improve the building here. She did not have MS, and that's the end of it."

Two multiple sclerosis experts contacted by The Post agreed that symptoms of severe MS are almost certain to show up in a properly conducted autopsy.

"It's inconceivable to me that the autopsy wouldn't pick it up. I would be very skeptical as to whether this woman had MS," said Aaron Miller of Maimonides Medical Center in New York, who chairs the professional education committee for the National Multiple Sclerosis Society.

Miller said certain characteristics of Badger's cerebral-spinal fluid, cited as evidence of MS in her medical records, "don't make the diagnosis." Those signs could be indicative of Lyme disease, syphilis or other inflammatory diseases, he said. "And it might be seen where the patient has no clinical disease."

"The very best confirmatory test for MS" is the autopsy, said Fred Lublin, a professor of neurology at Thomas Jefferson University in Philadelphia. "At death, that's how one proves it."

Kevorkian's "patients" have included six persons with MS diagnoses. Spokesmen for the National Multiple Sclerosis Society point out that the disease is not terminal and that most patients do not develop cases that result in disabling paralysis.

The group recently issued a statement on suicide that says in part, "Although we respect our clients' right to self-determination, we as a Society affirm life."

In an interview with a Santa Barbara television station two days before she died, Badger made a different kind of declaration. She cried out in agony and said, "The pain that I live with is excruciating.

"I know what the future holds," she added. "I know finally there is a man out there with a heart of gold who will help me." Asked about Kevorkian's "Dr. Death" nickname, Badger said: "I hate when he's called that. He's just the opposite."

Meyer-Mitchell, who knew Badger better than any other doctor did, has no ready answers to the questions surrounding her patient's death. She only wishes that the Michigan doctors who received her June 24 letter had paid more attention to the last line:

"I hope you are able to assist this unfortunate woman to have a more comfortable life."

[From the Washington Times, Oct. 1, 1996]

TERMINAL ILLNESS ABSENT IN KEVORKIAN SUICIDE

PONTIAC, MICH.—A medical examiner said yesterday an autopsy reveals a North Carolina psychiatrist who took his life with Dr. Jack Kevorkian's help was not terminally ill.

Dr. Richard Faw, 71, who reportedly suffered from terminal colon cancer, took his life Sunday, becoming Dr. Kevorkian's 41st known assisted suicide.

"There was some residual cancer in the colon but none present in the Kidney, lungs or liver—none of the vital organs," said Medical Examiner Ljubisa Dragovic. "There could be some cancer in the bone which could have caused pain, but this man was not terminal. He could have lived another 10 years, at least."

Mr. ASHCROFT. I am pleased to note the presence of Senator HUTCHINSON from Arkansas. I look forward to his remarks.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to express my strong support for H.R. 1003. I want to commend the Senator from Missouri for his outstanding leadership on this issue, his willingness to be proactive about an issue that is very important to the future of our Nation, and also the Senator from North Dakota for his support of this measure as well.

H.R. 1003 will prohibit Federal funding and promotion of assisted suicide and euthanasia. It is critically important that the Federal Government not appear to sanction suicide as a form of medical treatment in our varied Federal health care programs. Without this bill, that would be the very message we could be sending as we would potentially find ourselves funding and covering so-called mercy killing with Federal tax dollars.

It should be mentioned that this bill passed overwhelmingly in the House of Representatives by a vote of 398 to 16. It enjoys obvious overwhelming bipartisan support. It involves only a prohibition of funding and does not affect the legality of assisted suicide or euthanasia. The bill simply says that the Federal Government will not be a part of the practice of assisted suicide and will not force all taxpayers to be a part of that practice.

The Clinton administration should also be able to support this bill. When asked in the 1992 campaign about legislation to allow assisted suicide, President Clinton said, "I certainly would do what I could to oppose it."

On November 12, 1996, the Clinton administration filed a friend-of-the-court brief with the Supreme Court in opposition to physician-assisted suicide. In the brief for the administration, Solicitor General Walter Dellinger wrote:

[T]here is an important and commonsense distinction between withdrawing artificial supports so that a disease will progress to its inevitable end, and providing chemicals to be used to kill someone.

Given these statements, the President should be able to sign legislation that has the very modest effect of simply not funding assisted suicide.

I agree with the statement of Walter Dellinger, Solicitor General. A patient may always decline or discontinue medical treatment even if that may incidentally lead to the patient's death. But that is a far cry from administering a lethal injection or providing lethal drugs to that patient. The former is a longstanding and recognized medical practice; the latter is medicalized killing. The Federal Government must not make all taxpayers be involved in such killing.

Some may object that neither suicide nor the attempt at suicide are illegal. If people have a legal right to kill themselves, they continue, then it makes no sense to deny them the help of a physician in doing so, or to cut off the payment for doing that as this bill does. That is the logic.

But it is incorrect to say that people have a right to kill themselves simply because we do not throw them in jail if they attempt to do so.

Think of the following. We have a first amendment right to protest and denounce the policy choices of our elected officials in, say, a public park. If a supporter of that politician tried to physically restrain such speech, that person would be subject to criminal charges of assault and battery.

On the other hand, suppose someone else tries physically to restrain another from committing suicide. As the Minnesota Supreme Court said in a 1975 case:

[T]here can be no doubt that a bona fide attempt to prevent a suicide is not a crime in any jurisdiction, even where it involves the detention, against her will, of the person planning to kill herself.

In fact, if public authorities detect someone in the act of attempting to commit suicide, they will typically not only interfere, but also place the person in the custody of mental health authorities. And posing a danger to oneself is a basis for involuntary commitment for mental health treatment.

In short, it is not accurate to say that at present people have the legal liberty to commit suicide because they can be, and frequently are, legally restrained from doing so.

Others may suggest that this is only for suicide attempts by the healthy. Everyone deplores the suicide of young, healthy people. But they contend some suicides are rational, like those of terminally ill patients.

Contrary to the assumptions of many in the public, a scientific study of people with terminal illness published in the American Journal of Psychiatry found that fewer than one in four with terminal illness expressed a wish to die, and of those who did, every single one suffered from a clinically diagnosable depression. We must remember that it is the depression, not the terminal illness, that prompts a desire to die or to commit suicide. And that depression is treatable in the sick, the terminally ill, as well as in the healthy.

Psychologist Joseph Richman, former president of the American Association of Suicidologists, the professional group for experts who treat the suicidal, points out that "[E]ffective

psychotherapeutic treatment is possible with the terminally ill, and only irrational prejudices prevent the greater resort to such measures."

Dr. David C. Clark, a suicidologist, observes that depressive episodes in the seriously ill "are not less responsive to medication" than depression in others.

So the solution for those among the terminally ill who are suicidal is to treat them for their depression, not pay to send them to Dr. Kevorkian.

This bill sends us on the way to just that: not paying for patient killing so that we can focus on real medical treatment for the patients who need it.

So I am glad to urge my colleagues to join me in supporting H.R. 1003, and in so doing, to send a very important message to the people of our Nation and to the culture of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I ask to be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I appreciate this opportunity to speak briefly on this issue before the Senate. I begin by thanking my colleagues, Senator ASHCROFT and Senator DORGAN, and their staffs for their leadership on this issue.

As yet, only one State, the State of Oregon, my State, has passed legislation to allow assisted suicide. In 1994, Oregon voters approved ballot measure 16, called the Death With Dignity Act, which exempts from criminal and civil liability physicians who assist their patients in committing suicide. Since its approval, a ruling in March by the Ninth Circuit Court of Appeals has prevented the law from taking effect, leaving the ultimate decision to the Supreme Court of the United States.

However, I believe it is our responsibility to address this issue before other States, including New York and Washington, have to face the dilemma that now confronts Oregon. Oregon has taken the initiative in meeting the health care needs of our most needy and vulnerable citizens. Through the implementation of the Oregon health plan, I was a legislator who helped to enact and to pass and to fund that act. However, ballot measure 16 threatens the lives of those we have worked so hard to help.

The Oregon health plan rations medicine in an honest way. What it does is rank the procedures that promote and provide preventive medicine. I am concerned, as an Oregonian, as an American, as a taxpayer, that this system that has been enacted with the very best of motives will provide a slippery slope that will make the right to die into a duty to die. In a time when we have few health care dollars and so many of those dollars are expended late in life, I fear the financial incentive that is built into the system if soon the right to die becomes, under financial extremis, a duty to die.

Now, lest you think that I am exaggerating in my fears, the Oregon Medicaid director has recently publicly stated that once the legal issues have been resolved, Oregon will begin subsidizing physician-assisted suicide through the Oregon health plan. As one of Oregon's Senators, I cannot, on ethical, moral and other grounds, allow this to happen when I have the opportunity to prevent it.

H.R. 1300 and Senate 304 is legislation that is not an attempt to circumvent the Supreme Court. Rather, this legislation is to determine whether we should require the American taxpayer to pay for these services through Medicare, Medicaid, the Federal Employees Health Benefit Program, health care services provided to Federal prisoners under the military health care system.

The potential legal practice of physician-assisted suicide sets a standard for our entire Nation. We should, instead of subsidizing a path to death, try to strengthen the quality of hospice and end of life care. Let's offer support, not suicide, as the acceptable and responsible, viable option.

Mr. President, my colleagues, it is with great concern and with a heavy heart that I ask your support in passing this important and timely legislation. Oregon is a beautiful State in which to live, to visit, to raise a family. I ask today that you do not help Oregon become a State where people now come to die.

As I have said to the people and press of Oregon, the only thing that we should be killing around here is Federal funding for assisted suicide. Mr. President, I thank my colleagues. I urge their support for this legislation.

I yield the floor and the remainder of my time.

Mr. ASHCROFT. Mr. President, some people have asked me whether this bill would create any new restrictions or limitations on such practices as the withholding or withdrawing of medical care; the withholding or withdrawing of nutrition or hydration, abortion, or the administration of drugs or other services furnished to alleviate pain or discomfort, even if the drugs or services increase the risk of death.

Mr. DORGAN. That is an important question, and one I want to clarify. H.R. 1003 would not create any new restrictions in those areas.

In fact, section 3(b) of the bill explicitly states that none of those practices or services would be affected by the bill. This means that we do not create any new limitations, and none of the practices and services you described would be prohibited or further restricted by this bill. I also want to make clear that this bill would not place any new restrictions on the provision of hospice care, which I strongly support.

Mr. ASHCROFT. I have also been asked about whether the bill would prohibit legal services lawyers or other legal advocates receiving Federal funds from talking to their clients about assisted suicide.

Mr. DORGAN. H.R. 1003 prohibits the use of Federal funds for legal or other assistance for the purpose of causing an assisted suicide; compelling any other person or institution from providing or funding services to cause an assisted suicide, or advocating a legal right to cause or assist in causing an assisted suicide.

However, the bill does not impose any kind of gag rule on legal services or other attorneys receiving Federal funding to provide legal services. An advocacy program could provide factual answers to a client's questions about a State law on assisting suicide, since that alone would not be providing assistance to facilitate an assisted suicide. Similarly, the bill does not prohibit such programs from counseling clients about alternatives to assisted suicide, such as pain management, mental health care, and community-based services for people with disabilities.

In addition, the bill is not intended to have the effect of defunding an entire program, such as a legal services program or other legal or advocacy program, simply because some State or privately funded portion of that program may advocate for or file suit to compel funding of services for assisted suicide. The bill is intended only to restrict Federal Funds from being used for such activities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, inasmuch as there are no Members wishing to speak on the pending legislation, I ask unanimous consent to speak for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

A MESSAGE TO THE FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I rise to ask if someone at the Federal Reserve Board might be willing to spend a quarter and buy the Washington Post and

read the article on the front page above the fold on the left side. If they are unwilling to do that, I will at least read the headline for them: "Consumer Prices Nearly Flat in March."

Why is this headline important? Because the most recent tax increase imposed in Washington, DC, was imposed by Mr. Greenspan, Chairman of the Federal Reserve Board, and his Board of Governors, who, meeting weeks ago, in a frenzy decided that the problem in our country is that our economy is growing too rapidly, there are too many people working and too few people unemployed and our economy is moving too rapidly. Their solution: Increase interest rates, impose a higher interest rate charge on every single American for every purpose. Of course, that is, in effect, imposing a tax on everybody, isn't it? The difference is, if somebody were to propose a new tax, it would have to be done here in the open, in debate. But in this dinosaur we call the Federal Reserve Board, it is done behind closed doors, in secret, outside of the view of the public, by a bunch of folks in gray suits, coming from their banking backgrounds, or as economists, peer through their glasses and try and see what the future holds. The future is no clearer to them than it was to the augurs in Roman times when practicing the rites called augury. These high priests would read the entrails of birds, the entrails of cattle, observe the flights of foul in order to portend the future.

Well, we now have economists who, of course, practice the study of economics. I sometimes refer to it as "psychology pumped up with a little helium." The economists now tell us what the future will hold. What does the future hold for us? The economists at the Federal Reserve Board, believed by the Board of Governors, say that our country is moving too fast. It is like that Simon and Garfunkel tune, "Feeling Groovy," although I doubt that they would play that there. It says, "Slow down, you're moving too fast * * *" The country is moving too fast, they say —2½, 3 percent economic growth. Lord, what is going to happen if we have 3 percent sustainable economic growth? You can't do that because the Fed wants to put the brakes on. They want people to pay higher interest rates to slow our country down.

You know, the Federal Reserve Board had told us forever that if unemployment dropped below 6 percent, what would happen? A new wave of inflation would come. Unemployment has been below 6 percent for 30 months; inflation is going down. The Consumer Price Index is nearly flat. In fact, Mr. Greenspan, Chairman of the Federal Reserve Board, says to us, "I think the Consumer Price Index overstates the rate of inflation by probably 1 full percent and maybe a percent and a half." If that's the case, there is no inflation in our country. If there is no inflation in our country, why did those folks go behind the closed doors, lock it up, do their banking business in secret, and come out and announce to us that they were imposing a new tax on every American in the form of a higher interest rate?

I ask the Fed today to buy a paper, read the story, convene a meeting and put interest rates where they ought to be. Your Federal funds rate is a full one-half of 1 percent, and now, after your last action, nearly three-quarters of 1 percent above where it ought to be, given the rate of inflation. What does that mean? It is a premium imposed on the American people—a tax in the form of higher interest. It is imposed on every American, without public debate.

I urge the Federal Reserve Board to meet again with the new information and understand what some of us have been talking about for some long while: Your models are wrong. The world has changed. We don't have upward pressures on wages in our country; we have downward pressures on wages in our country. That is why you don't see consumer prices spiking up. We now exist in a global economy in which American workers are asked to compete against workers elsewhere around the world. It is not unusual for American workers to produce a product, to go into a department store to compete against a product produced in a foreign country by a 14-year-old child being paid 14 cents an hour, working 14 hours a day in an unsafe factory. It is a global economy. Unfair? Yes. But it is a global economy that now puts downward pressure on American wages. That is why consumer prices are not spiking up. That is why the Federal Reserve Board is wrong.

The Federal Reserve Board ought to countenance more economic growth in this country. It can be done without reigniting the fires of inflation. It should be done by a Federal Reserve Board that cares more about all of the American people and economic growth and opportunity all across this country than it does about the interest of its constituents, the big money center banks.

I did not intend to speak about this today, but when I bought the paper and saw the story, it occurred to me that someone ought to stand up and say to the Federal Reserve Board: You were wrong a couple of weeks ago. You ought to admit it. We don't accept your remedy. The American people know you are wrong because they understand what is happening in our economy. Our economy isn't growing too fast. If anything, the economic growth is too slow. We need fewer people unemployed and more people employed. We need more economic growth and more opportunity. I hope one day the Federal Reserve Board will adopt policies that will understand that.

Now, we have a couple of vacancies coming at the Federal Reserve Board, and I expect that the Federal Reserve Board will fill the positions with people who essentially look the same, act the same, talk the same, and behave the same as all the other folks there. Take a look at who is at the Fed. In fact, I have brought for my colleagues to the floor a giant chart with pictures of the Board of Governors and regional Federal bank presidents, indicating where they are from, where they were educated, their salaries. I don't want them to be anonymous. I want the people to see who is making the decisions that affect all of their lives.

Now we will have a couple of new people appointed to the Fed. Congress will have a little something to say about that. But the fact is, the nominations will be sent to us. I have said, and I say again, that I would recommend my Uncle Joe. The reason I recommend Uncle Joe is the Federal Reserve Board doesn't have anybody serving on the board like my Uncle Joe. My Uncle Joe actually has made a lot of things in his life. He fixed generators and starters on cars. He has a lot of common sense, understands what it is to start a business, borrow some money, make a product, sell a product. So I recommended my Uncle Joe. I have been doing that for a number of years and Joe hasn't gotten a call yet. So I expect that the Federal Reserve Board will not be blessed by the membership of my Uncle Joe.

I say this because I would like to see some new blood at the Fed, some new energy and new direction that doesn't just buy into this mantra that what we need is more unemployment and slower economic growth, and somehow that represents the future of our country. The Fed is wrong. The numbers demonstrate that the Fed is wrong. I hope as we go down the road talking about this, as well as filling the positions at the Fed that are going to be open, we can have a broader discussion. I wanted to at least acknowledge today that this new information exists. I encourage the Fed to buy the morning paper.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I rise in support of the legislation pending before us, a bill to prohibit Federal funds being used to assist in suicides.

I wish to compliment my colleague, Senator ASHCROFT, and also my colleague, Senator DORGAN, for their leadership. I am happy to cosponsor this legislation. I think it is important that we pass this legislation today. I am pleased that the House passed it overwhelmingly by a vote of 398 to 16. It is not often that we find such an overwhelming vote.

Frankly, I can't see how anyone would vote against this legislation. This legislation makes sense. It is needed. Some may ask, "Why is it needed?"

You might be aware of the fact that the Supreme Court held hearings earlier this year on whether or not there is a legal right for assisted suicide. I have read the Constitution many times. I don't find that right in there. That doesn't mean the Supreme Court might not, nor does it mean that some other judge might say yes, you have a constitutional right for assisted suicide, and someone else say yes, that is a constitutional right; therefore, it should be covered by Medicare or Medicaid, and, therefore, be paid for by the Federal Government.

So maybe this is a preemptive strike. It is unfortunate to think it might even be needed. But it is needed. We want to make sure it doesn't happen. We want to make sure that we don't have more Dr. Kevorkians running around the country saying, "You have a legal right to kill yourself, and therefore, we will help you; and, oh, yes, we want the taxpayers to pay for it." We don't want the taxpayers to pay for it. We want to send a signal to Dr. Kevorkian that we don't agree with him.

Dr. Kevorkian made a statement which was reported in the New York Times on April 5 talking about the fact that he publicly burned a cease and desist order from the State. He said, "If you want to stop something, pass a law."

That is what we are trying to do today. We are trying to make it very clear that the Congress of the United States overwhelmingly believes that you should not use Federal funds to assist in something like suicides, something that is as deadly as suicide.

This would clarify the law. If assisted suicide is legalized by the Supreme Court, or in any individual State, all it would take is one district court judge to rule that assisted suicide fits under the Medicare statute's guidelines. On January 8, 1997, the Supreme Court heard oral arguments in two cases in which the Federal courts of appeals have declared a constitutional right to assisted suicide.

Mr. President I think we want to send a very clear signal. I might mention that this Congress has already passed a ban. In 1995, I offered legislation banning the use of Medicaid and Medicare funds for assisted suicide in the balanced budget amendment which passed this Congress. Unfortunately, President Clinton vetoed the legislation. But he didn't veto the legislation because of this.

An amicus brief, filed by the American Medical Association, to the Supreme Court on November 12, 1996, contends that assisted suicide "will create profound danger for many ill persons with undiagnosed depression and inadequately treated pain for whom assisted suicide rather than good palliative care could become the norm. At greatest risk would be those with the least access to palliative care—the poor, the elderly, and members of minority groups."

Acting Solicitor Gen. Walter Dellinger recently said in opposing the idea of a right to assisted suicide, "The systemic dangers are dramatic . . . the least costly treatment for any illness is lethal medication." That is reported in the New York Times on January 9 of this year.

We are a Nation built on the principle that human life is sacred, to be honored and cherished. As public servants, we deal with issues that affect the lives of people every day. Caring for people is the underlying aspect of nearly every piece of legislation dealt with in this Senate.

Dr. Joanne Lynn, board member of the American Geriatrics Society, and director of the Center to Improve Care of the Dying at George Washington University, said, "No one needs to be alone or in pain or beg a doctor to put an end to misery. Good care is possible."

Cardinal Joseph Bernardin, while dying last November, took the time to write the Supreme Court on assisted suicide, saying,

> There can be no such thing as a "right to assisted suicide" because there can be no legal and moral order which tolerates the killing of innocent human life, even if the agent of death is self-administered. Creating a new "right" to assisted suicide will endanger society and send a false signal that a less than "perfect" life is not worth living.

There are a lot of groups and a lot of individuals who have endorsed this legislation.

The American Medical Association said,

> The power to assist in intentionally taking the life of a patient is antithetical to the central mission of healing that guides physicians. The AMA continues to stand by its ethical principle that physician-assisted suicide is fundamentally incompatible with the physician's role as healer and that physicians must instead aggressively respond to the needs of patients at the end of life.

That was signed by John Seward, executive vice president of the AMA, on April 15.

Mr. President, this legislation is endorsed by not only the American Medical Association but also the National Conference of Catholic Bishops, American Academy of Hospice and Palliative Medicine, American Geriatrics Society, Christian Coalition, Family Research Council, Free Congress, National Right to Life, Physicians for Compassionate Care, and the Traditional Values Coalition.

In addition, I ask unanimous consent that letters be printed in the RECORD at this point from the Catholic Health Association and also the Christian Coalition in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRISTIAN COALITION,
CAPITOL HILL OFFICE,
Washington, DC, April 16, 1997.

DEAR SENATOR: As of this morning, the Majority Leader was trying to work out an agreement to bring up the Assisted Suicide Funding Restriction Act for a vote this afternoon.

On behalf of the members and supporters of the Christian Coalition, we urge you to vote for the Assisted Suicide Funding Restriction Act. This legislation overwhelmingly passed the House of Representatives by a vote of 398–16.

The Assisted Suicide Funding Restriction Act restricts the use of tax dollars for the purpose of assisted suicide, euthanasia, or mercy killing. The overwhelming majority of American taxpayers oppose the use of tax dollars for assisted suicide and euthanasia, with 87 percent of Americans opposing the use of tax dollars for these purposes. This widespread support, as well as the moral grounds for opposing the funding of assisted suicide, compels passage of this legislation.

This is a carefully-crafted bill and we would like to see it pass in its present form. Please vote for H.R. 1003, the Assisted Suicide Funding Restriction Act. Thank you for your consideration of our views.

Sincerely,

BRIAN LOPINA,
Director, Governmental Affairs Office.

CATHOLIC HEALTH ASSOCIATION
OF THE UNITED STATES,
Washington, DC, April 16, 1997.

Senator TRENT LOTT,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT: I understand that H.R. 1003, the Assisted Suicide Funding Restriction Act, will soon be considered by the full Senate. On behalf of more than 1,200 health care facilities and organizations, the Catholic Health Association of the United States (CHA) urges the Senate to give this legislation swift and favorable consideration.

As health care providers, members of CHA reject physician-assisted suicide as antithetical to their religious beliefs and their mission as healers. Because assisted suicide offends the basic moral precepts of our culture and poses a grave danger to those at the margins of our society, state governments have consistently outlawed its practice. Unfortunately, a Florida state court and two federal Courts of Appeals recently have misconstrued the Constitution to "discover" a constitutionally protected liberty interest in physician-assisted suicide.

In response to the threat of these cases and a recent referendum in Oregon, Congress should establish the principle that federal tax dollars will not be expended for the purposeful taking of human life. While none are being used for this purpose today, judicial

activism threatens to undermine our long-established societal consensus against assisted suicide.

The legislative proposal before you properly distinguishes between the withholding or withdrawing of burdensome and ineffective medical treatment and the aiding of another in purposefully taking human life. Catholic teaching and common sense support this distinction.

The most important reason to pass this legislation is to send a signal to disabled persons, the elderly and other vulnerable people that they are valued members of the human community. They enrich rather than burden society. The late Joseph Cardinal Bernardin said it best in his letter to the Supreme Court: "There can be no such thing as a 'right to assisted suicide' because there can be no legal or moral order which tolerates the killing of innocent human life, even if the agent of death is self-administered. Creating a new 'right' to assisted suicide will endanger society and send a false signal that a less than 'perfect life' is not worth living."

CHA has a long and distinguished record of supporting the goal of universal health care coverage. In addition, we support meaningful efforts to improve care for the dying. Yet, we do not support the views of those opposing this bill on the grounds that it does not accomplish all of these worthy goals in one bill. Congress should pass this bill and then move on to legislation that increases health care coverage and helps to provide those at the end of life with the care and comfort that they deserve.

Sincerely,

WILLIAM J. COX,
Executive Vice President.

Mr. NICKLES. Mr. President, again, I wish to thank sponsors of this legislation. I have had the pleasure of working with both Senators from Missouri. Both Senators made outstanding statements in support of this legislation. In addition, Senator DORGAN—we appreciate his support for this legislation. It has bipartisan support. We have a lot of cosponsors on both sides of the aisle.

It is my hope that the Senate will pass the identical bill that the House passed and that we will send it to the President.

Also, I have a statement from the administration. The Clinton administration issued a statement of administration policy on April 10, 1997, which states, "The President made it clear that he does not support assisted suicide. The administration, therefore, does not oppose enactment of H.R. 1003."

Mr. President, there is no reason for us to amend this legislation. There is no reason for us to delay this legislation. Let's pass this legislation and send a message to Dr. Kevorkian and others that Federal funding will not be tolerated and that it will not be legal to assist in assisted suicide.

Mr. President, I yield the floor.

Mr. ASHCROFT. Mr. President, thank you.

Mr. President, I want to thank my colleague from Oklahoma for his excellent statement on this issue. I appreciate his leadership on this issue. When this legislation was initially filed last year, I was not aware of the fact that he had previously included it in other matters. But he has been a leader in respecting the will of the American people not to participate in the funding of assisted suicide.

Mr. President, I might add as well that while House bill 1003 is largely consistent and almost totally compatible with the bill that Senator DORGAN and I filed here in the U.S. Senate, the House added some provisions which I think improve the measure. Both bills were narrowly and tightly drawn and focused on the fact that we didn't believe there should be Federal funding for assisted suicide.

The House measure includes provisions designed to reduce the rate of suicide, including assisted suicide, among persons with disabilities or terminal or chronic illness, by furthering knowledge and practice of pain management, depression identification, palliative care, and other issues related to suicide prevention. The bill would amend the Public Health Service Act to use existing Federal funds to establish research, training, and demonstration projects intended to help achieve the goal of reducing the rate of suicide. That would also, of course, include reducing the rate of individuals interested in assisted suicide. It also includes a provision directing the General Accounting Office to analyze the effectiveness and achievements of the grant programs that are authorized by the Public Health Service Act.

So, resources now available to the public through the Public Health Service Act can be used in accordance with this measure to reduce the rate of suicide. It is important for us not just to be concerned about Federal funding for suicide, but where possible to help individuals understand the potential for hope in the situation rather than despair.

I might just also point out that assisted suicide and the potential for assisted suicide or funding for assisted suicide in a culture are not really conducive to the development of other therapies. It is interesting to note that Justice Breyer pointed out a number of important facts during the Supreme Court's recent oral arguments regarding the right to assisted suicide. He indicated that supportive services for vulnerable patients remain undeveloped once a society has accepted assisted suicide as a quick and easy solution for their problems. In particular, he noted that in England, which prohibits assisted suicide, there are over 180 hospices for people who are terminally ill; 180 facilities designed for compassionate care to help these people. In a sense, each of us is terminally ill. Each of us ultimately will die. In the Netherlands, on the other hand, which allows assisted suicide, rather than having 180 hospices, they have only 3.

It may be inappropriate to draw a conclusion here, but it seems to me that once a culture decides that the thing to do with terminally-ill patients is to help them die quickly, they neglect and otherwise refuse to develop the kinds of institutions which would help people who really ought to live and want to live and have many things to contribute.

It is with that in mind that I think it is peculiarly and singularly important that this Congress respond to the voice of the American people, which with near unanimity is calling for us to prohibit Federal funding of assisted suicide. It is with that in mind that I urge my colleagues to join by voting in favor of this proposal.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, Senator ASHCROFT has just outlined a provision that was included in the legislation enacted by the House of Representatives. Frankly, I think this addition improves the legislation that we introduced here in the Senate. The amendment that was accepted by the House and is in this legislation provides for the prevention of suicide, including assisted suicide. It provides authorization for the Secretary of Health and Human Services to fund research and demonstration projects using existing Public Health Service dollars to prevent suicide among people with disabilities or terminal or chronic illnesses. That amendment addresses an issue that is very significant and serious, and I think it adds to this legislation.

With this legislation, we are not only saying that we want to prevent Federal funding of assisted suicide, but also that we want to improve the availability of compassionate end-of-life care so that terminally or chronically ill individuals do not feel that assisted suicide is their only option for relief.

So I think this amendment is a good amendment, and I support it.

Mr. President, I hope we can move along to final passage on this legislation.

I don't know whether there are those who intend to offer amendments. I see Senator WELLSTONE from Minnesota is on the floor. My hope is that we can proceed on this noncontroversial piece of legislation and finish it today.

Mr. MCCONNELL. Mr. President, today the U.S. Senate considers H.R. 1003, the Assisted Suicide Funding Restriction Act of 1997. As an original cosponsor of S. 304, the Senate companion to H.R. 1003, I rise in support of this measure's reasonable and responsible action in prohibiting the use of Federal funds to support physician-assisted suicide.

Modern medical technology has made a significant difference in the health care challenges that patients and providers face today. While few Americans

fear death from scarlet fever or cholera, a growing number are concerned about the potential for a slow, painful death from cancer or a degenerative neurological disorder. Advocates for physician-assisted suicide package the concept as purely an issue of patient choice and personal liberty in seeking relief from suffering. Moreover, they argue that this choice harms no one. I respectfully but stringently disagree. Physician-assisted suicide condones the intentional killing of a human being as a valid method for relieving pain and suffering when other means are available to address a patient's critical medical needs.

Advocates for physician-assisted suicide point to secondary effect, the circumstance where a patient dies during treatment for pain, as a factor lending legitimacy to the legalization of euthanasia. Again, I disagree. A large number of Americans and a majority in the medical community identify the critical difference between the administration of pain medication and physician-assisted suicide. In the former, a physician makes a medical assessment and administers the level of medication necessary to relieve a patient's pain and suffering. Though the action is taken with the knowledge that the treatment could cause death, the physician's sole medical goal is helping the patient attain relief from suffering. In contrast, physician-assisted suicide is the intentional administration of a drug, not for pain relief, but to kill. H.R. 1003 recognizes the critical difference between secondary effect and physician-assisted suicide.

While patients' rights have been raised in the debate over physician-assisted suicide, I want to draw attention to the broader implications of this action on the health care community. The American Medical Association makes clear in its Code of Medical Ethics that the intentional act of killing a patient is antithetical to the central mission of healing that bonds the physician-patient relationship. The AMA fully endorses H.R. 1003's purpose to assure that the integrity of doctors working for Federal health care programs and in Federal health care facilities is not compromised by the act of physician-assisted suicide. Without H.R. 1003, doctors face a painful dilemma of whether they are expected to conduct assisted suicide as a form of medical treatment. The AMA rejects such a concept, and 87 percent of Americans agree that Federal tax dollars should not support such a questionable practice.

It is clear to all that patient concerns regarding the health care threats of degenerative and painful disease must be addressed. This critical need is one of the reasons why I and other Members of the U.S. Senate support Federal investment in medical research. The Federal Government should not invest in physician-assisted suicide as a legitimate option for pain control however. Medicine today is capable of managing physical pain, but patients are forced to endure pain and suffering because this information is not applied uniformly. For the welfare of patients and families, we should focus our energies on correcting these failures in medical care delivery, rather than diverting critical attention toward the questionable promotion of assisted suicide.

Mr. President, I support the right of Americans to decide whether or not to withdraw or withhold medical treatment. I also appreciate the difference between acts to relieve the pain of a dying patient and acts that intentionally produce pre-mature death. H.R. 1003 does the same. This measure makes clear that Federal funds do not and will not support physician-assisted suicide to the detriment of patients, families, and the medical community. I urge my colleagues to join in support of H.R. 1003's intent to ensure that this vital concern for millions of Americans is properly addressed.

Mr. COATS. Mr. President, I rise in support of H.R. 1003 and I urge my fellow Senators also to vote in favor of this legislation.

This bill simply prohibits the use of Federal funds for the controversial and immoral practice of assisted suicide. It rightly keeps the Federal Government out of the business of killing.

The bill prevents the use of funds to provide health care items or services "furnished for the purpose of causing * * * the death of any individual, such as by assisted suicide, euthanasia or mercy killing." Death of the individual has been included because proponents of assisted suicide, mercy killing, and euthanasia often use other terms to describe these activities, such as physician aid in dying. In fact, the Oregon Death with Dignity Act, which legalizes these actions under certain circumstances, specifically provides that "actions taken in accordance with [this law] shall not, for any purpose, constitute assisted suicide, mercy killing, or homicide"—even though the actions precisely are assisted suicide or mercy killing! The bill is very clear about the activity that should not receive Federal funds: an item or service furnished for the purpose of causing the death of any individual will not be funded by American taxpayers.

Close observers will note that this broad language is used in sections 3, 4, and 7 of the bill, while more narrow language is used in sections 2, 5, and 6, where funds are prohibited for "causing the suicide, euthanasia, or mercy killing of any individual. The broad language is used with regard to the general prohibition on health care funding (section 3), the prohibition on the use of funds under the Developmental Disabilities Assistance Act (section 4), and the Patient Self Determination Act (section 7) to ensure that the activities and actions intended not to receive Federal funds in fact do not receive them. The broad language is necessary because proponents often describe these activities in different terms; it is used without concern of unintended consequences because the programs covered in these instances are clearly and narrowly defined.

The narrow language is used in the bill's findings and purposes provisions (section 2, which does not have the force of law), restrictions on advocacy programs (section 5), and restrictions on funding for mercy killing, euthanasia, and assisted suicide in national defense and criminal justice programs (section 6) because broad language, if applied to these programs, could have unintended consequences. For example, if the broad language were used with respect to criminal justice enforcement, it may have the effect of prohibiting capital punishment. But this bill is only about funding for assisted suicide—mainly in Federal health care programs, because proponents of assisted suicide are successfully legitimizing assisted suicide—for some—as a form of health or medical care.

Assisted suicide is not health care. Or medical care. The Federal Government, supported by all American by all American tax payers, should not pay for this. This carefully crafted bill will ensure that that does not happen. It deserves our support.

Some questions have arisen as to whether H.R. 1003 applies to the provision or withholding or withdrawing of medical treatment, medical care, nutrition, or hydration. My reading of the bill indicates that the bill does not address such situations.

H.R. 1003 is a deliberately narrow piece of legislation. It deals with the issue of Federal subsidies for direct killing, as by a lethal injection or a lethal drug. It is not designed to address or affect in any way, positively or negatively, Federal funding for the withholding or withdrawal of medical treatment and medical care, nutrition or hydration. Nor is it designed to address affect in any way, positively or negatively, such withholding or withdrawal in veterans' hospitals, military hospitals, or other Federal facilities.

Therefore, Mr. President, no one should read into the adoption of this legislation any expression of blanket congressional approval for the practice of withholding or withdrawing of nutrition and hydration or, for that matter, of any lifesaving medical treatment. This Senator, for one, is convinced that causing a patient to die of starvation or dehydration is absolutely wrong. I, for one, would not have supported this bill as an original cosponsor if I believed that it authorized the use of Federal funds to withhold or withdraw nutrition and hydration from a patient.

Indeed, I am convinced that every Member of this body, and I dare say of the other body as well, can think of at least some circumstances in which he or she would agree that denial of medical treatment, or of food and fluids, is wrong and should not be subsidized with Federal tax dollars. Plainly, then in voting for this legislation we do not intend some broad sanction for denial of nutrition, hydration, medical treatment and care.

All we do in section 3(b) of H.R. 1003 is make clear the narrow scope of this bill: that it deals with direct killing only, and not with these other practices. Thus, section 3(b) should be read simply as a scope limitation for this legislation, and not as expressing a substantive policy position on withholding or withdrawing medical treatment, medical care, nutrition or hydration. That is a matter for another day.

In conclusion, Mr. President, I want to express my firm belief that ours is a Nation that should direct itself to expanding the scope of the human community; to ensuring that all its members enjoy full access to the protection of life, liberty, and happiness. Our culture is one that increasingly commits itself to death, to killing those that some do not consider to be part of the human family. For years some in this country have treated the preborn child as unworthy of that protection. Recently, the President has vetoed a ban on partial-birth abortions—has allowed the killing of a child just three inches and 3 seconds from full protection of the law. Now our culture is moving toward promoting the killing of the elderly, the handicapped, those who suffer desperately—instead of offering them support, resources, and hope.

I commend the Senator from Missouri for his excellent work on this bill and his steadfast efforts to prevent taxpayers from being forced to support a culture of death. His work reclaims some of our hope that America can again be a beacon of light in a culture of life.

Mr. ROCKEFELLER. Mr. President, I thought it would be helpful to share some thoughts about other important issues that I hope the Congress will address once action is taken on the bill before us to prohibit Federal funding for physician-assisted suicide.

Because of my involvement in health care issues and the Medicare Program specifically, I have spent some time in recent months taking another look at the concerns and dilemmas that face patients, their family members, and their physicians when confronted with death or the possibility of dying. In almost all such difficult situations, these people are not thinking about physician-assisted suicide. The needs and dilemmas that confront them have much more to do with the kind of care and information that are needed, sometimes desperately.

I am learning more and more about the importance of educating health care providers and the public that chronic, debilitating, terminal disease need not be associated with pain, major discomfort, and loss of control. We need to focus on the tremendous amount that can be done to control a wide range of symptoms associated with terminal illness, to assure that the highest level of comfort care is provided to those who are dying or have chronic, debilitating disease.

The tremendous advances in medicine and medical technology over the past 30 to 50 years have resulted in a greatly expanded life expectancy for Americans, as well as vastly improved functioning and quality of life for the elderly and those with chronic disease. Many of these advances have been made possible by federally financed health care programs, especially the Medicare Program that assured access to high quality health care for all elderly Americans, as well as funding much of the development of technology and a highly skilled physician work force through support of medical education and academic medical centers. These advances have also created major dilemmas in addressing terminal or potentially terminal disease, as well as a sense of loss of control by many with terminal illness.

I believe it's time for Medicare and other federally funded health care programs to assure that all elderly, chronically ill, and disabled individuals have access to compassionate, supportive, and pain-free care during prolonged illness and at the end of life. As we discuss restructuring Medicare during the present session of Congress, this will be one of my primary goals.

Much of the knowledge necessary to assure individuals appropriate end-of-life care already exists. Much needs to be done, however, to assure that all health care providers have the appropriate training to use what is known already about such supportive care. The public must also be educated and empowered to discuss these issues with family members as well as their own physicians so that each individual's wishes can be respected. More research is needed to develop appropriate measures of quality end-of-life care and incorporate these measures into medical practice in all health care settings. And finally, appropriate financial incentives must be present within Medicare, especially, to allow the elderly and disabled their choice of appropriate care at the end of life.

I will soon be introducing legislation that addresses the need to develop appropriate quality measures for end-of-life care, to develop models of compassionate care within the Medicare Program and to encourage individuals to have open communication with family members and health care providers concerning preferences for end-of-life care. These are the issues that truly need to be addressed by Congress and encouraged through Federal financing programs for health care, and I am very committed to promoting the action that Americans and their physicians are looking to us to help them with. By addressing end-of-life issues in this manner, there may be a day when the divisive debate over physician-assisted suicide will become unnecessary.

Mr. FRIST. Mr. President, I rise today to address the legislation before us which would further codify and clarify existing Federal law, practice, and policy on the prohibition of the use of Federal funds, whether directly or indirectly, for physician-assisted suicide. This proposal has received broad bipartisan support within the Congress, within the administration, and in the medical community.

This is an issue that supersedes the politics of the present, and cuts to the heart of our concept of respect for life. As a physician, I took an oath, like physicians for centuries before me, to "first do no harm." While there are times when the best in medical technology and expertise cannot save or prolong life, we should never turn those tools into instruments to take life, and we must preserve the sacred trust between physician and patient.

I am pleased that this bill is tightly focused and disciplined in its approach to this controversial issue. However, I am concerned that the most important issue may be obscured by this debate. Physicians have a responsibility to ensure that patients are both comfortable and comforted during their last precious days on Earth. As legislators responsible for policy decisions impacting the federally funded health care programs, we also have a responsibility. We must continue to look for ways to support efforts to provide palliative care, as well as to support efforts to educate physicians, patients, and families about end-of-life issues.

We have made enormous progress in treating and managing illness at the end of life. Over the last 50 years, life expectancy has risen dramatically as we have learned to manage the complications of illnesses which were previously considered terminal. The issue of physician-assisted suicide is an indication of our need to focus on other ways of relieving suffering, while maintaining the dignity of the terminally ill and their families.

While I do not believe that it is the role of the Government to intrude upon the relationship between a physician and patient, I do believe that policymakers have an obligation to create an environment which supports the quality of care in this country. Therefore, our votes in support of this bill must also be seen as our decision to take up a new challenge—that of finding new ways to facilitate the compassionate care of the dying.

Mr. HELMS. Mr. President, when the able Senators ASHCROFT and DORGAN invited me to cosponsor S. 304, a bill to prohibit the use of Federal funds for assisted suicide, I unhesitatingly accepted. Now today, I do hope the Senate will promptly approve H.R. 1003, now pending which is nearly identical to S. 304 and which was passed overwhelmingly by the House this past Thursday.

The Supreme Court's tragic Roe versus Wade decision in 1973 established that human beings—unborn children—at one end of the age spectrum are expendable for reasons of convenience and social policy; euthanasia is now the next step. Many, including this Senator who in 1973 had just been sworn in, argued that if we can justify in our own minds the destruction of the lives of those whose productive years are yet to come, what is to prevent our destroying or agreeing to end the lives of men and women who can no longer pull their own weight in society?

That day may arrive as early as this summer. The Supreme Court is currently reviewing two circuit courts of appeals decisions which, if upheld, will affirm the constitutional right of individuals to terminate their own lives with the assistance of Dr. Kevorkian or other like-minded physicians. But inevitably, those who demand that this become an acceptable right are also expecting the taxpayers to furnish the money for it.

At a minimum, Mr. President, surely the Senate will reject the notion that tax funded programs, such as Medicaid and Medicare, should be used to terminate the lives of human beings. Despite anybody's looking with favor on euthanasia, it is absurd to suggest that the American people must sponsor it with their already-high taxes.

The American people emphatically reject this idea. A poll conducted last year by Wirthlin Worldwide revealed that 87 percent of people oppose Federal funding of assisted suicide.

So, Mr. President, the bill under consideration will not outlaw euthanasia. But it will forbid the use of Federal tax dollars to fund assisted suicides. And more importantly, the Senate will heed the American people's belief that paying for such a morally objectionable procedure is just going too far.

Mr. DOMENICI. Mr. President, I rise today in support of the Physician Assisted Suicide Funding Restriction Act of 1997. This bill would maintain current Federal policy to prevent the use of Federal funds and facilities to provide and promote assisted suicide. It would not nullify any decision by a State to legalize assisted suicide, nor restrict State or privately financed assisted suicide; nor will it affect any living will statutes or any limitation relating to the withdrawal or withholding of medical treatment or care.

The bill is urgently needed to protect Federal programs which have traditionally been designed to protect the health and welfare of our citizens. The ninth circuit recently reinstated an Oregon statute which provided for physician-assisted suicide through the State's Medicaid Program. This program is funded in part with Federal tax dollars. Unless we enact this statute, Federal dollars will be used to fund physician-assisted suicide. There is an immediate and pressing need for the Senate to act on this matter now. Our Nation has always been committed to the preservation of the lives of its citizens. The American people expect that tradition to continue.

Last week, the House of Representatives acted in a decisive vote of 398 to 16 to ban the use of Federal funds to support physician-assisted suicide and the President has indicated that he does not oppose this legislation. Mr. President, the American people do not want their tax dollars spent to assist individuals to commit suicide.

This legislation simply prohibits the use of Federal funds for assisted suicide. It does not address the issue that is currently before the Supreme Court in Washington versus Glucksburg. The issue in that case is whether there is a liberty interest in committing suicide, and if so, whether that interest extends to obtaining the assistance of a doctor to do the same. Mr. President, nothing in this legislation will affect the decision that the Supreme Court will announce later this summer. What this bill does is maintain the longstanding Federal policy of preventing Federal funds from being used for this purpose. The American taxpayer shouldn't be forced to pay for the activities of Dr. Kevorkian and other physicians who may be engaged in assisting suicide.

Mr. President, we are not acting prematurely by passing this legislation. The State of Oregon already has decided that physician-assisted suicide is legal and that State Medicaid funds may be used for that purpose. The long-standing policy against the use of Federal tax dollars is now in jeopardy, and congressional action is now needed. Tax dollars ought to be used to extend life, not cause death.

Finally, I am pleased to see that this legislation contains a provision to allow for research into ways we can reduce the rate of suicide among individuals with disabilities and chronic illnesses. Modern pain management techniques are improving rapidly, and it is my hope that this research will reduce the demand for assisted suicide, whether legal or illegal, in the future. We need to continue pain research, and make resources available to ensure that health care professionals are capable of administering these new treatments as they develop. This is a forward-looking approach and we should encourage this sort of research—it will improve the quality of life for those with debilitating diseases.

Mr. President, I think I speak for the vast majority of the American people when I say that their Federal tax dollars should not be used to fund physician-assisted suicide. I am very pleased to support this bill. I commend Senator ASHCROFT for bringing this issue to the attention of the Senate. I hope my colleagues will support the bill, and I yield the floor.

Mr. BIDEN. Mr. President, I wish we were not here debating this legislation today—not because I don't think it is right; I do, and I am a cosponsor of the bill; but because I wish there was no need to take up a bill like this in the first place.

Unfortunately, our hands have been forced, largely by the courts.

In March of last year, the Ninth Circuit Court of Appeals ruled that a Washington State law prohibiting physician-assisted suicide was unconstitutional under the constitutional right of privacy.

Then, a month later, the Second Circuit Court of Appeals struck down a similar New York State law, arguing that the equal protection clause of the Constitution gives the terminally ill the same rights to hasten their own death through drugs as other patients have to refuse artificial life support.

Although implementation has been delayed by the courts, in 1994, Oregon voters approved a referendum making physician-assisted suicide legal in that State.

The Supreme Court has heard oral arguments on the matter—and it is expected to rule before the end of this term.

Now, if physician-assisted suicide does become legal—through the courts or through State referendums or by some other means—there will be no doubt an attempt made to have the Federal Government pay for this.

I can hear the arguments already. People will demand that Medicare or Medicaid reimburse physicians who help people commit suicide. Mr. President, this is not such a farfetched notion.

After the voters approved the Oregon referendum in 1994, Oregon officials actually admitted they would seek Medicaid reimbursement if the law were to go into effect.

Now, truth in advertising here, Mr. President. I am opposed to physician-assisted suicide becoming legal in this country, period. So I don't want to hide under some false cloak here. I am one of those who does not support abortion, but I acknowledge that my personal religious view should not be imposed upon the rest of the world because, for me, it is hard to determine and insist that my view on when there is a human life in being is more accurate than someone who is equally as religious as me, but might have a different view. But a suicide is a different story. There is no question that there is a human

life in being. Physician-assisted suicide is the most dangerous slippery slope, in my view, that a nation can embark upon.

So I make it clear that this has nothing to do with whether physician-assisted suicide should be allowed. I don't think it should be. But that is beside the point today. What is at issue is—if it becomes legal in one State, several States, or all States—is the Federal Government going to have to pay for it?

To that, I hope we will emphatically say "no," regardless of what each of us thinks about the legality or constitutionality of physician-assisted suicide.

No matter where you are on the issue, under no circumstances should the Federal Government be paying physicians to help people kill themselves.

Let me say what else this debate today is not about. It is not about refusing to accept medical treatment. The Supreme Court has already ruled that individuals have a right to refuse unwanted medical treatment. I am not sure how a physician or a hospital would bill Medicare or Medicaid for not providing a treatment that the patient did not want. But, regardless of that, this bill explicitly states that the funding prohibition does not apply in such circumstances and does not apply to drugs given to alleviate pain.

What we are talking about is when physicians specifically give a patient a drug to kill them—when there is a proactive attempt to kill a patient. That is what we are talking about—no Federal dollars allowed.

I commend Senator ASHCROFT and Senator DORGAN for their work on this bill. This has been a bipartisan effort from the start—going back to when this bill was first put together last summer.

Mr. President, it is important that we swiftly and definitively resolve this issue.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I rise in support of H.R. 1003, the Assisted Suicide Funding Restriction Act of 1997.

I am pleased to be a cosponsor of S. 304, the Senate companion bill to H.R. 1003. As a cosponsor, I was especially gratified to learn of the overwhelming bipartisan vote of 398 to 16 by which H.R. 1003 passed the House of Representatives on April 10, 1997.

With its resounding votes to pass both the Assisted Suicide Funding Restriction Act and H.R. 1122, the Partial-Birth Abortion Ban Act of 1997, the House of Representatives has taken two major actions aimed at restoring respect for the sanctity of human life in our great Nation. I trust that in the weeks ahead, the Senate will join the House by passing both of these bills by large majorities and sending them to the President.

Mr. President, before he passed away last November, Joseph Cardinal Bernadin left a moving testimony to the sanctity of life. "I am at the end of my earthly life," Chicago's Cardinal wrote in a letter addressed to the U.S. Supreme Court. "Our legal and ethical tradition has held consistently that suicide, assisted-suicide, and euthanasia are wrong because they involve a direct attack on innocent human life," Cardinal Bernadin continued. "Creating a new 'right' to assisted suicide," the Cardinal concluded, "will . . . send a false signal that a less than perfect life is not worth living."

Mr. President, by enacting H.R. 1003, the Congress will be moving to defend the sanctity of human life by preventing the use of Federal funds and facilities to provide and promote assisted suicide. This is indeed a worthy goal and I am honored to be a part of this effort.

Mr. KENNEDY. Mr. President, I support the ban on the use of Federal funds for assisted suicide, and I commend Senator DORGAN and Senator ASHCROFT for their leadership on this issue.

The disabled, the elderly, low-income and other Americans in need are often totally reliant on federally financed health care. Allowing Federal funds to be used for assisted suicide, euthanasia, or mercy killing could lead to situations in which terminally ill or seriously ill individuals are coerced into choosing assisted suicide over traditional medical treatments or pain management therapies. In addition, many seriously ill people who suffer transient depression could choose suicide, when, if their depression were treated, they would not make this irrevocable choice.

I also support the intent of the legislation to exclude certain medical treatments and procedures from the provisions of the ban. Evidence of this intent is found in both the language of the Senate bill and the language contained in the House report concerning section 3(b). This subsection clarifies the exact nature of the medical procedures and services which are not intended to be covered by the prohibition on the use of Federal funds. It is important to emphasize that the ban does not cover individuals who do not want their lives prolonged by heroic medical treatments or the other specific treatments identified in the language of the House report on this subsection.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I am going to in a short period of time offer two amendments which I hope will be really noncontroversial. I just would like to talk about both of them in general terms and then I will come back in time to offer these amendments.

One of these amendments has to do with what I think is, unfortunately, very germane and it has to do with our failure still to provide the kind of mental health services, the kind of mental health coverage that is so direly needed. I know my colleagues have said one of the things that concerns them and concerns others is that all too often some of the people who take their lives are people in a severe state of depression, people who have not been treated. And then, of course, you really wonder whether or not this ever should have happened and this is the last thing you would like to see assisted.

So I really feel that if, in fact, we are saying we do not want to see this kind of assisted, physician-assisted suicide, or people taking their lives, that is to say, then I think we really want to make sure we do not get to the point where some people, some who really want to take their lives are taking their lives not even necessarily because they are in terrible pain with a terrible illness but having more to do with a terrible mental illness. This is an amendment we will come to in a little while.

The first amendment that I will offer shortly is an amendment which says it is the sense of the Senate that the Senate supports firm but fair work requirements for low-income unemployed individuals. I do not think my colleagues would disagree with that. And low-income workers who are jobless but are unable to find a job should look for work, they should participate in workfare or job training programs but they should not be denied food stamps without these opportunities.

Again, I am just waiting for response from a couple other Senators before I introduce these amendments, but just in very broad outline the why of this amendment.

I am going to draw from a study which comes out from the Department of Agriculture February 13, 1997, which really points to the characteristics of childless unemployed adult food stamp and legal immigrant food stamp participants.

Madam President, this is not a pretty picture. We are talking about the poorest of poor people. If we are going to have vehicles out in the Chamber and there is going to be an opportunity—and these are just sense-of-the-Senate amendments—to really try and get the Senate on record to correct some problems that have to be corrected, then I want to take full advantage of it. In this particular case, we are talking about people who are very poor, many

of them women, many of them minorities.

What we are saying is, yes, work, but if there is not a workfare program available and someone cannot find a job, then do not cut people off food stamp assistance, do not say that in a 3-year period you can only get 3 months' worth of food stamp assistance.

Why in the world would we want to create the very situation we are now creating which is you are basically taking the most vulnerable citizens, the poorest of poor people and you are putting them in a situation where they want to work, they cannot find a job, there is not a workfare program available, there is not a job training program available, they are suffering, struggling with HIV infection or dying from AIDS, they are struggling with mental illness, they did not even have a high school education, there are no opportunities for the training, and we are now saying that we are going to cut you off food stamp assistance. This was the harshest provision of the welfare bill that we passed.

And so, Madam President, I come to the floor, and I will in a moment suggest the absence of a quorum just for a moment and then we will move forward with both of these amendments. But I come to the floor to introduce both of these amendments. These are sense-of-the-Senate amendments. I hope they will command widespread support. I say to my colleagues I am really hopeful for a very strong vote. I know they are anxious to have the bill come through. I do not think these amendments—I made them sense-of-the-Senate amendments. I think the language is very reasonable, and I do not mean to hold up the legislation at all, but on the other hand I do mean to get some attention focused on some areas that we really need to address.

Madam President, just for a moment, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. The Senator from Minnesota suggests that these are merely sense-of-the-Senate amendments and that they would not impair the progress of the bill substantially. If by adding these amendments to the bill we send the bill to conference, we delay substantially our ability to move this legislation to the President of the United States for his signature.

Throughout our comments and remarks, I think it has been clear we are simply at present awaiting judicial decisions which might authorize on a momentary basis Federal funding of assisted suicide, so that it is crucial we not delay this process. And sending this measure to conference would in fact delay the process.

Second, I should indicate that this is not a measure which is designed to prohibit assisted suicide. Some suggestions seem to have been made that this is a measure which would attempt to control whether or not States could authorize assisted suicide or whether they could fund it on their own or whether we would be intervening by this legislation in the capacity of States to determine what is appropriate or inappropriate for their citizens. Nothing could be further from the truth.

This is not a measure that relates to the commission of suicide. It relates to Federal funding of assisted suicide. This bill—and many people think it unfortunate it would not—does not prevent Kevorkian from acting. That would be controlled by local jurisdictions and what the law in those jurisdictions is. So that the alleged relevance of some of the proposed amendments simply is not consistent with the content of the measure.

I think it is important for us to understand we ought to act quickly. We are fortunate that the courts have not already authorized Federal payments for assisted suicide. But for the injunction of a court in Oregon, that would have been the case, according to the director of Medicaid and the Health Services Commission chair in Oregon. And now the Ninth Circuit Court of Appeals has overturned that lower court's decision and the matter is still suspended in the limbo of the legal proceedings. But as soon as the ninth circuit's opinion would become final, the Oregon officials have indicated they intend to call for Federal resources to participate in the funding of what they call "comfort care." I would be uncomfortable myself to receive the "comfort care" offered there.

But it is, in my judgment, a matter of importance that we act promptly, that we act with dispatch. The attempt to bring unrelated issues to this measure is counterproductive, particularly inasmuch as it is likely to send this legislation to conference and to delay substantially the ability to move the will of the American people into the law of the American people, and that will is that we not fund with Federal resources assisted suicide.

Madam President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ASHCROFT. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I ask unanimous consent that Margaret Heldring have the privilege of the floor during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Madam President, I ask unanimous consent that no amendments or motions be in order to the pending legislation, and that there be 10 minutes for debate to be equally divided in the usual form, to be followed by third reading and final passage of H.R. 1003.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ASHCROFT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT. For the information of all Senators, a vote will occur within the next 10 minutes on passage of the assisted suicide bill. I thank my colleagues for their cooperation.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to have printed in the RECORD a statement of administration policy on H.R. 1003, including a letter to Senator TRENT LOTT by the Assistant Attorney General, Andrew Fois.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 16, 1997.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1003—Assisted Suicide Funding Restriction Act of 1997

The President has made it clear that he does not support assisted suicides. The Administration, therefore, does not oppose enactment of H.R. 1003, insofar as it would reaffirm current Federal policy prohibiting the use of Federal funds to pay for assisted suicides and euthanasia.

However, the Department of Justice advises (in the attached letter) that section 5

of the bill, which would prohibit the use of any federal funds to support an activity that has a purpose of "asserting or advocating a legal right to cause, or to assist in . . . the suicide . . . of any individual," exceeds the intent of the legislation and raises concerns regarding freedom of speech. Therefore, the Administration urges the Senate to address this concern as the legislation moves forward, in order to avoid potential constitutional challenges and implementation problems.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 16, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: This presents the views of the Department of Justice on H.R. 1003, the "Assisted Suicide Funding Restriction Act of 1997." As you know, the President has made it clear that he does not support assisted suicides. The Administration therefore does not oppose enactment of H.R. 1003. We do, however, have a concern that we would like to bring to your attention.

Section 5 of H.R. 1003 provides that "no funds appropriated by Congress may be used to assist in, to support, or to fund any activity or service which has a purpose of assisting in, or to bring suit or provide any other form of legal assistance for the purpose of . . . asserting or advocating a legal right to cause, or to assist in causing, the suicide, euthanasia, or mercy killing or any individual." This restriction, by its plain terms, would apply without limitation to all federal funding. As a result, we believe that the proposed bill would constitute a constitutionally suspect extension of the type of speech restriction upheld in *Rust* v. *Sullivan*, 500 U.S. 173 (1991).

In *Rust*, the Supreme Court upheld a program-specific funding restriction on the use of federal family planning counseling funds to provide abortion-related advice. It explained that the restriction constituted a permissible means of furthering the government's legitimate interests in ensuring program integrity and facilitating the government's own speech. See id. at 187–194. The Court stressed, however, that its holding was not intended "to suggest that funding by the Government, even when coupled with the freedom of the fund recipients to speak outside the scope of a Government-funded project, is invariably sufficient to justify Government control over the content of expression." Id. at 199. For example, the Court emphasized that the First Amendment analysis might differ for restrictions on federally funded services that were "more all encompassing" than the limited pre-natal counselling program at issued in *Rust*. Id. at 200. In addition, the Court explained that the government's authority to place speech restrictions on the use of governmental funds in "a traditional sphere of free expression," such as a forum created with governmental funds or a government-funded university, was far more limited. Id. at 200.

The Court affirmed the limited nature of *Rust* in *Rosenberger* v. *Rectors and Visitors of the University of Virginia*, 115 S.Ct. 2510 (1995). There, the Court explained that *Rust* applies where the government itself acts as the speaker. "When the government disburses public funds to private entities to convey a governmental message," the Court explained, "it may take legitimate and appropriate steps to ensure that its message it neither garbled nor distorted by the grantee." Id. at 2519. The government may not, however, impose viewpoint-based restrictions when it "does not itself speak or subsidize transmittal of a message it favors, but instead expends funds to encourage a diversity of views from private speakers." Id.

Here, the bill places a speech restriction on all uses of federal funds. It would move beyond speech restrictions on the use of federal funds in specific, limited programs, such as the one identified in *Rust*, to establish a viewpoint-based restriction on the use of federal funds generally. As a result, the bill's restriction on speech could apply to an unknown number of programs that are designed to "encourage a diversity of views from private speaker, "*Rosenberger*, 115 S.Ct. at 2519, and to which the Court has held application of a viewpoint-based funding limitation unconstitutional. The bill could also apply to a number of services that are "more all encompassing" than the counselling program at issue in *Rust*, see 500 U.S. at 200, and to which application of a viewpoint-based funding restriction would be subject to substantial constitutional challenge.

Moreover, the general approach that the bill employs is itself constitutionally suspect. Unlike the regulation at issue in *Rust*, H.R. 1003 does not attempt to identify a particular program, or group of programs, in which a funding restriction would serve the government's legitimate interests in ensuring program integrity or facilitating the effective communication of a governmental message. It would instead impose a broad and undifferentiated viewpoint-based restriction on all uses of federal funds. As a result of the unusually broad and indiscriminate nature of the proposed funding restriction, the bill does not appear to be designed to serve the legitimate governmental interests identified in *Rust*. Thus, the bill is vulnerable to arguments that it reflects on "ideologically driven attempt [] to suppress a particular point of view [which would be] presumptively unconstitutional in funding, as in other contexts." "*Rosenberger*, 115 S.Ct. at 2517 (internal quotations omitted). We therefore recommend that this provision be deleted from the bill.

Thank you for your consideration of this matter. Please do not hesitate to call upon us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill (H.R. 1003) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—99

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Allard	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Reed
Breaux	Hagel	Reid
Brownback	Harkin	Robb
Bryan	Hatch	Roberts
Bumpers	Helms	Rockefeller
Burns	Hollings	Roth
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Coats	Jeffords	Smith, Bob
Cochran	Johnson	Smith, Gordon H.
Collins	Kempthorne	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
D'Amato	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Enzi	Lott	
Feingold	Lugar	

NOT VOTING—1

Faircloth

The bill (H.R. 1003) was passed.

Mr. ASHCROFT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: Can I use time as if in morning business to introduce a bill?

The PRESIDING OFFICER. The Senator needs consent to do that at this time.

Mr. DOMENICI. That is not infringing on anything planned?

The PRESIDING OFFICER. We have no orders at this time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted

to speak for up to 10 minutes on court-appointed attorney's fees and the taxpayers' right to know how much they are paying.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 598 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FISCAL YEAR 1998 DEFENSE BUDGET AND THE MILITARY SERVICES' UNFUNDED PRIORITY LISTS

Mr. LEVIN. Mr. President, during the consideration of the annual defense budget in each of the last several years, the Armed Services Committee has asked each of the military services to provide a list of unfunded priorities—that is, programs that were not included in the defense budget request submitted to the Congress. For obvious and very understandable reasons, the military services have responded to these requests with a great deal of enthusiasm.

Again this year, the chairman of the Armed Services Committee, Senator THURMOND, asked each of the military service chiefs to indicate to the committee how they would allocate up to $3.0 billion in additional funds above the fiscal year 1998 budget request. Last month each of the four service chiefs provided the committee with a list of $3.0 billion for specific programs not funded in the budget request.

Mr. President, the Armed Services Committee needs to hear the priorities of the military services—but we also have a responsibility to view these priorities in a broader context. The so-called unfunded priority lists submitted to the committee reflect only individual service priorities. They do not necessarily reflect the joint service priorities of the Chairman of the Joint Chiefs or the warfighting commanders in chief.

General Shalikashvili made this point earlier this year to the committee when he said during our February 12 hearing in reference to these unfunded priority lists:

> I would put in as strong a plea as I can that you then ask what the overall prioritization is within the joint context, because we are talking of a joint fight. And so to understand why one system should be put forward versus another, you really ought to see what the joint priority on it is, and how that particular system, in the eyes of the joint warfighter, then contributes to the overall fight. Obviously then you will make a judgment. But I would ask that you do not look at service lists without putting it in the context of a joint view on the importance of that item or the other.

Mr. President, one of the driving forces behind the Armed Services Committee's work on the landmark Goldwater-Nichols Department of Defense Reorganization Act 10 years ago—which our former colleague and now Secretary of Defense Bill Cohen played a key role in—was the need to enhance the joint perspective within the Defense Department. I agree very strongly with General Shalikashvili's view that the Armed Services Committee—and the Senate—should have the benefit of the joint perspective before we take any action on any of the items on the military services' unfunded priority lists. We have a responsibility to ensure that the programs we fund make the greatest possible contribution to the joint warfighting capability of our Armed Forces.

For this reason, when the committee received the four unfunded priority lists from the military service chiefs last month totaling $12.0 billion, I sent all four lists over to Secretary Cohen and General Shalikashvili and asked two questions.

First, I asked which of the specific programs on the military services unfunded priority lists, if any, were programs for which funds are not included in the Defense Department's current Future Years Defense Program.

Second, I asked for Secretary Cohen's and General Shalikashvili's views on the individual programs on the services' lists from a joint warfighting perspective, and whether there were any programs not included in these lists that in their view had a higher priority from the joint perspective.

Mr. President, I recently received letters from both Secretary Cohen and General Shalikashvili in response to my letter. I ask unanimous consent that my letter and their responses be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEVIN. Secretary Cohen indicates in his letter that while the military services' unfunded priority lists "provide useful ways that the Defense Department could apply additional funds, the President's budget already provided for the Department's essential priorities." With the exception of four specific items, Secretary Cohen also noted that the items on the services' lists are included in the fiscal year 1998–fiscal year 2003 Future Years Defense Program.

General Shalikashvili's response to my letter outlines his views on the most important programs on the services' lists from a joint warfighting perspective. General Shalikashvili's joint list totals about $4.0 billion, or about one-third of the total $12 billion on the four lists that the service chiefs submitted. His list includes three command, control, communications and intelligence programs that were not on the services' original list. Unfortunately, General Shalikashvili does not indicate relative priorities within the programs on his joint list, but I intend to pursue this question further.

Mr. President, I think Secretary Cohen's and General Shalikashvili's personal involvement in this issue of unfunded priority lists represents an important step forward in what some people have called the wish list process in the last several years—a process that in my view had gotten a little out of hand. It is still too early to tell how relevant these various lists will be this year. The outcome of the budget discussions between Congress and the administration is unclear. I don't believe we should or need to increase the fiscal year 1998 defense budget this year. If Congress does decide to make adjustments to the fiscal year 1998 budget, I think we are much better off with a $4.0 billion joint list than with four $3.0 billion lists that have not had the benefit of a joint review.

I want to thank Secretary Cohen and General Shalikashvili for their cooperation in this effort.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 18, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense.
Gen. JOHN M. SHALIKASHVILI,
USA, Chairman, Joint Chiefs of Staff, Department of Defense, Washington, DC.

DEAR SECRETARY COHEN AND GENERAL SHALIKASHVILI: At the request of the Committee, each of the Chiefs of the military services has provided the Committee with a list of their program priorities in the event that Congress decides to provide additional funding to the Defense Department for fiscal year 1998 above the President's budget request. I have enclosed a copy of each of these four lists.

I would appreciate your response to two issues concerning these lists which were raised during your testimony before the Committee on February 12, 1997.

First, please indicate which programs, if any, on these lists are programs for which funds are not included in the Department's current Future Years Defense Program.

Second, during the Committee's February 12 hearing, you requested that we look at the prioritization of these programs within the joint context. Accordingly, please indicate your views on the priority of the individual programs on these lists from the joint warfighting perspective. You should also indicate whether there are any programs not included on these lists that have a higher priority from the joint perspective.

I would appreciate your response to these questions by April 1, 1997. Thank you for your assistance in this important matter.

Sincerely,

CARL LEVIN,
Ranking Minority Member.

THE SECRETARY OF DEFENSE,
Washington, DC, April 10, 1997.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR CARL: I welcomed your letter of March 18, 1997, to General Shali and me because it gives me the opportunity to provide my perspective on the Service unfunded priority lists. While the lists provide useful ways the Department could apply additional funds, the President's budget already provided for the Department's essential priorities. Moreover, the vast majority of the items on the lists of unfunded Service priorities are included in the FY 1998–FY 2003 Future Years Defense Program (FYDP). I believe that it is hard to call something a priority if it does not appear in the Department's budget plans anywhere in the next 5 years. Therefore, the Services used inclusion in the FYDP as a key selection criterion in building the lists of unfunded FY 1998 priorities. This also allows the Department to reduce future expenditures to the extent budgeted program completions are accelerated by additions to the FY 1998 budget.

There has been instances where changes after preparation of the FYDP justify including a few items on the unfunded priorities lists that are not in the FYDP. The enclosed table identifies those items and provides a brief explanation of why the items are included in the lists even though they are not in the FYDP.

I believe the enclosed table responds to your first question. Your second question asked for our views on the priority of the individual programs on the lists from a joint warfighting perspective. I believe that General Shali is best suited to answer your second question, and he will respond separately.

Thank you again for the opportunity to confirm that the vast majority of the items on the Service unfunded priorities lists are in the FYDP.

Sincerely,

BILL COHEN.

Enclosure.

PRIORITY LIST ITEMS NOT IN THE FYDP

[Dollars in millions]

Service	Item	Amount	Explanation
Army	None	N/A	N/A
Navy	None	N/A	N/A
Marine Corps	VH–3/VH–60 simulators	$10.0	Responds to a recent finding of the DoD Executive Air Fleet Review that simulator training of VIP aircraft pilots needed improvement.
Marine Corps	2 F/A–18D aircraft	$93.8	Attrition replacement aircraft that should be procured before the F/A–18C/D goes out of production.
Air Force	Global Air Traffic Management (GATM)	$67.7	Required to initiate a program to comply with new Federal Aviation Administration and International Civil Aviation Organization standards that require all aircraft to be GATM capable.
Air Force	Navigation Safety—Phase II	$126.3	Provides for the second phase of modifications to DoD passenger carrying aircraft designed to minimize the chance of accidents like the T–43 crash in Bosnia. Phase II program was not well defined when the FYDP was developed.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, April 6, 1997.

Hon. CARL LEVIN,
Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: Thank you for the letter requesting a review of unfunded FY 1998 priorities from a joint perspective. I appreciate the opportunity to comment on the Service lists and to provide views with respect to the joint warfighter. Enclosed are items that best support the combatant commanders and are in line with my priorities.

The list also includes three C41 programs that, although not on the Service lists, are joint priorities. The programs, which are in the current FYDP, are Global Broadcast System Theater Injection Points, Global Broadcast System Fiber Connectivity, and Global Command and Control System Data Base Servers.

Please let me know if any further information is desired.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman, Joint Chiefs of Staff.

Enclosure.

PROCUREMENT

ARMY

Kiowa Warrior Safety Mods
Night Vision HUD
Patriot Mods Increment 1
Avenger Mods
MLRS 2X9
Stinger Blk 1 Upgrade
Carrier Mods
FIST Vehicle Mod
BFV Survivability Enhancements
Family of Medium Tactical Vehicles (FMTV)
HETS Increment 1
PLS Trucks
GCCS Data Base Servers
SINCGARS Test Sets
Airborne SINCGARS SIP
WIN Terrestrial Transport
TRRIP
C2 Protection
ASAS Remote Workstations
SENTINEL
NV PVS–7D
Thermal Weapon Sight
Infrared Aiming Lights
Firefinder Radar
Logistics Automation
Fwd Entry Device
STAMIS Platform
SIDPERS–3
Contact Test Set
Base Shop Test Facility
Fire Trucks
Engr Spt Equip <$2M
War Reserve Mod

DON

F/A–18 E/F (2 aircraft)
E–2C (1 aircraft)
Tomahawk Remanufacture
JSOW Restore to DAB Level
Navy Area TBMD—Accelerate 15 Block-IV Missiles
Ammunition (5.56mm, 5.56mm Linked, 40mm, Demo Charge)
SEAWOLF Propulsor
CEC—Restore Full-Fielding Plan
Acoustic Rapid COTS Insertion
Info Technology 21
HDR and Mini-DAMA
Light Armored Vehicle R&M (LAV RAM)
Javelin Medium Anti-Tank Weapon
Base Telecommunications Infrastructure
Improved Direct Air Support Center (IDASC)
Light Tactical Vehicle Replacement (LVTR)
ISO Truck Beds
Chem/Bio Incident Response Force (CBIRF) Equipment
Combat Rubber Reconnaissance Craft (CRRC)
Combat Vehicle Appended Trainer (CVAT)

USAF

F–15 E Attrition Reserve
Sensor to Shooter
Bomber Modernization
F–15 C/D PW220E Engine Upgrade
Global Air Traffic Management (GATM)
Navigation Safety Phase II
AWACS Extend Sentry
HH–60G FLIR
C130J Support Equipment
F–16 Support Equipment
Precision Guided Munitions
Precision Guided Munitions (Missiles)
Sensor to Shooter
Nuclear C2
Force Protection
Information Protection
Range Standardization and Automation
Theater Deploy Communication
Spacetrack
Night Vision Goggles
Mission Operations Vehicles (Ground)

SOF

Patrol Costal (PC–14)
Counter Proliferation of WMD (Classified Programs)

OPERATIONS AND MAINTENANCE

ARMY

RC School & Training
Force XXI Architecture
Instit Tng Pilot Mod Tng
Maintaining ES/Recruiting
OCE
JTAGS
Logistics Automation
C2 Protect
OSACOM AGR
RC OPTEMPO

DON

Aviation Depot Maintenance—Reduce Airframe & Engine Backlog
Reduce Ship Depot Maint Backlog
Recruiting—Advertising (USN)
Tuition Assistance & Program for Afloat Education (PACE)
Real Property Maintenance (USN)
Initial Equipment Issue (USMC Active)
Personnel Support Equipment (USMC Active)

Chem/Bio Incident Response Force (CBIRF) Training & Support
Recruiting—Advertising (USMC)
Initial Equipment Issue (USMC Reserve)
Theater Deploy Communications
AWACS Extend Sentry

USAF

GCCS
Force Protection
KC–135 Depot Programmed Equipment Maintenance (DPEM)
Recruiting—Advertising
Information Protection

SOF

Counter Proliferation of WMD (Classified Programs)
Counter Proliferation—Deep Underground Storage (Classified Pro)
SAAM Readiness Support (Classified Program)
C2/Information Warfare Readiness Support (Classified Programs)
OPTEMPO Sustainment

RDT&E

ARMY

National Automotive Tech
Force XXI Land Warrier
TI C2 Protect
Joint Precision Strike Demo
JSSAP
LOS
Vaccines-Adv Dev
Acrft Avionics
Comanche
GBCS Tng Dev
M1 Breacher Prototype
Test Program Sets
CCTT
Force XXI Architecture
Vaccines-Med Bio Def
FAAD GBS
AEROSTAT
Adv FA Tac Data Sys
Bradley—BFIST
Improved Cargo Helicopter (ICH)
Force XXI Battle Command
WIN ISYSCON Segment 1
JCPMS
JTAGS
AGCCS

DON

Extended Range Guided Munitions (ERGM)
AV–8 B Safety, Reliability, and Operational Enhancements

USAF

Cockpit Life Support System Improvement
GBS Theater Injection Points
GBS Fiber Connectivity
Precision Guided Munitions
Sensor to Shooter
Aging Aircraft
Engine Contractor Interim Performance (CIP)
Precision Guided Munitions
Sensor to Shooter
AWACS Extend Sentry
Nuclear C2
GCCS
GPS Systems
Range Standardization and Automation
Spacetrack

SOF

AC–130 Lethality Enhancements RDT&E

MILCON

ARMY

Arrival/Departure Airfield Control Group (DACG)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 15, 1997, the Federal debt stood at $5,383,116,230,748.81. Five trillion, three hundred eighty-three billion, one hundred sixteen million, two hundred thirty thousand, seven hundred forty-eight dollars and eighty-one cents.

One year ago, April 15, 1996, the Federal debt stood at $5,140,011,000,000. Five trillion, one hundred forty billion, eleven million.

Five years ago, April 15, 1992, the Federal debt stood at $3,902,117,000,000. Three trillion, nine hundred two billion, one hundred seventeen million.

Ten years ago, April 15, 1987, the Federal debt stood at $2,281,470,000,000. Two trillion, two hundred eighty-one billion, four hundred seventy million.

Fifteen years ago, April 15, 1982, the Federal debt stood at $1,064,434,000,000. One trillion, sixty-four billion, four hundred thirty-four million—which reflects a debt increase of more than $4 trillion—$4,318,682,230,748.81—four trillion, three hundred eighteen billion, six hundred eighty-two million, two hundred thirty thousand, seven hundred forty-eight dollars and eighty-one cents—during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1554. A communication from the general counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a rule entitled "Thrift Savings Plan Loans" received on April 14, 1997; to the Committee on Governmental Affairs.

EC–1555. A communication from the chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1556. A communication from the Tennessee Valley Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1557. A communication from the board members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1558. A communication from the District of Columbia auditor, transmitting, pursuant to law, the report of the audit of ANC 1B for the period October 1, 1993 through December 30, 1996; to the Committee on Governmental Affairs.

EC–1559. A communication from the executive director of the D.C. Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the D.C. financial plan and budget for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1560. A communication from the executive director of the D.C. Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, two reports including a report entitled "Recommendations for Performance Measurement—Department of Administrative Services"; to the Committee on Governmental Affairs.

EC–1561. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–458 adopted by the Council on November 25, 1996; to the Committee on Governmental Affairs.

EC–1562. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–524 adopted by the Council on December 3, 1996; to the Committee on Governmental Affairs.

EC–1563. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–45 adopted by the Council on March 4, 1997; to the Committee on Governmental Affairs.

EC–1564. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–46 adopted by the Council on March 4, 1997; to the Committee on Governmental Affairs.

EC–1565. A communication from the administrator from the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of five rules including one rule relative to hazelnuts, received on April 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1566. A communication from the congressional review coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to disease status, received on April 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1567. A communication from the President of the United States, transmitting, pursuant to law, the report concerning the national emergency with respect to Angola; to the Committee on Banking, Housing, and Urban Affairs.

EC–1568. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled "Moving Toward a Lead-Safe America"; to the Committee on Banking, Housing, and Urban Affairs.

EC–1569. A communication from the president and chairman of the Export-Import Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to various countries; to the Committee on Banking, Housing, and Urban Affairs.

EC–1570. A communication from the president and chairman of the Export-Import

Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–1571. A communication from the chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1572. A communication from the assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report with respect to the rule entitled "Regulation M, Consumer Leasing Act, Docket number R–0952," received on March 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1573. A communication from the assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on the Electronic Fund Transfer Act, received on March 31, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1574. A communication from the assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on the Availability of Consumer Identify Information and Financial Fraud, April 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1575. A communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report under the Fair Debt Collection Practices Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1576. A communication from the chairman of the board of the National Credit Union Administration, transmitting, pursuant to law, the 1996 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1577. A communication from the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual consumer report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1578. A communication from the Federal Liaison Office of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to economic growth, received on March 28, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1579. A communication from the secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to penalty reductions, received on March 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1580. A communication from the secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to its informal guidance program, received on March 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1581. A communication from the secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to investment advisory programs, received on March 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1582. A communication from the secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule relative to investment companies, (RIN3235-AH09) received on April 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL:

S. 587. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado; to the Committee on Energy and Natural Resources.

S. 588. A bill to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the State Creek Addition; to the Committee on Energy and Natural Resources.

S. 589. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; to the Committee on Energy and Natural Resources.

S. 590. A bill to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

S. 591. A bill to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. BIDEN, and Mr. ROBB):

S. 592. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 593. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. SHELBY, Mr. BREAUX, Mr. COVERDELL, Mr. GLENN, Mr. COCHRAN, Mr. MURKOWSKI, Mr. DEWINE, Mr. MACK, Mr. ROBB, Mr. SPECTER, Mrs. HUTCHISON, Mr. BENNETT, Mr. D'AMATO, Ms. LANDRIEU, and Mr. WARNER):

S. 594. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of qualified State tuition programs; to the Committee on Finance.

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 595. A bill to designate the United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, as the "John Griesemer Post Office Building"; to the Committee on Governmental Affairs.

By Mr. KOHL (for himself and Mr. COCHRAN):

S. 596. A bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to make grants to States and units of local government to assist in providing secure facilities for violent and serious chronic juvenile offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. HOLLINGS, Mr. REID, Mr. AKAKA, Mr. COCHRAN, Mr. DORGAN, Mr. INOUYE, Mrs. BOXER, Ms. SNOWE, Mr. TORRICELLI, and Mr. MACK):

S. 597. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

By Mr. DOMENICI:

S. 598. A bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 599. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 600. A bill to protect the privacy of the individual with respect to the social security number and other personal information, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. MACK, Mr. DASCHLE, Mr. LOTT, Mr. LIEBERMAN, Mr. HELMS, Mr. D'AMATO, Mr. KYL, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. SANTORUM, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER, and Mr. WYDEN):

S. Con. Res. 21. A concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 587. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, CO; to the Committee on Energy and Natural Resources.

S. 588. A bill to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the

State Creek Addition; to the Committee on Energy and Natural Resources.

S. 589. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys; to the Committee on Energy and Natural Resources.

S. 590. A bill to provide for a land exchange involving certain land within the Routt National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

S. 591. A bill to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

PUBLIC LANDS LEGISLATION

Mr. CAMPBELL. Mr. President, today I introduce five pieces of legislation affecting Federal lands in my home State of Colorado.

The purpose of these bills is to facilitate the process of consolidating our Federal lands into contiguous blocks which makes their management more efficient and less costly.

Much of the land over which the Bureau of Land Management and the U.S. Forest Service has management authority contains numerous inholdings which may have been old mining claims or other privately owned parcels. This patchwork ownership often creates management problems. For example, a particular parcel may block the public's access to other Federal lands. The presence of an inholding may limit the tools which can be used by the Federal agency to manage the land. If a controlled fire is needed to clear underbrush or stop the spread of insects, the presence of private land in the midst of the area may well preclude the use of fire as a management tool. All these considerations require much more time, and adds to the expense of caring for Federal lands.

Whenever an owner of these private parcels willingly offers to sell or exchange their lands, it is important that the Federal Government is able to accomplish these transactions to increase management efficiency and public use. The designated Federal agencies have reviewed these bills and the legislation reflects their input.

The first bill, the Larson and Friends Creek exchange, directs the Secretary of the Interior to exchange lands of equal value for several small parcels within the Handies Peak Wilderness Study Area and Red Cloud Peak Wilderness Study Area in Hinsdale County, CO. This exchange will allow the study areas to better fit the definition of a wilderness area.

The second bill, the Slate Creek addition to Eagles Nest Wilderness, provides for the expansion of the wilderness area in Summit County, CO. The current owners of this parcel are willing to convey it to the United States only if it is added to the existing wilderness area and permanently managed as wilderness. This addition will increase public access to the wilderness.

The third bill, Raggeds Wilderness boundary adjustment, is necessary to correct the effects of earlier erroneous land surveys. Certain landowners in Gunnison County, CO, who own property adjacent to the Raggeds Wilderness have occupied or improved their property in good faith based upon a survey they reasonably believed to be accurate. This bill is necessary to accomplish an adjustment of the boundary between the private landowners and the wilderness area. The entire area involved in this adjustment is less than 1 acre.

The fourth bill, Miles land exchange, authorizes the Secretary of Agriculture to convey lands of equal value in exchange for the Miles parcel located adjacent to the Routt National Forest in Routt County, CO. The purpose of this exchange is to improve on-the-ground management of public lands which are now isolated and difficult to manage. It will eliminate the need for long standing special use permits and add riparian acres to the national forest.

The final bill, the Dillon Ranger District transfer, allows for a boundary adjustment to transfer the Dillon Ranger District from the Arapaho National Forest to the White River National Forest. The Dillon District is already under the jurisdictional management of the White River National Forest. However, this technical correction is necessary because any official publications of the U.S. Forest Service references the district as a part of the Arapaho National Forest and confuses the public.

I ask unanimous consent that these bills be printed in the RECORD with letters of support from various county governments in which these lands are located.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

(a) IN GENERAL.—In exchange for conveyance to the United States of an equal value of offered land acceptable to the Secretary of the Interior that lies within, or in proximity to, the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way, in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (referred to in this section as "LCR"), approximately 560 acres of selected land located in that county and generally depicted on a map entitled "Larson and Friends Creek Exchange", dated June 1996.

(b) CONTINGENCY.—The exchange under subsection (a) shall be contingent on the granting by LCR to the Secretary of a permanent conservation easement, on the approximately 440-acre Larson Creek portion of the selected land (as depicted on the map), that limits future use of the land to agricultural, wildlife, recreational, or open space purposes.

(c) APPRAISAL AND EQUALIZATION.—

(1) IN GENERAL.—The exchange under subsection (a) shall be subject to—

(A) the appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws.

(2) COSTS OF APPRAISAL AND REVIEW.—The costs of appraisals and reviews shall be paid by LCR.

(3) CREDITING.—The Secretary may credit payments under paragraph (2) against the value of the selected land, if appropriate, under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

S. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(a) SLATE CREEK ADDITION.—If, before December 31, 2000, the United States acquires the parcel of land described in subsection (b)—

(1) on acquisition of the parcel, the parcel shall be included in and managed as part of the Eagles Nest Wilderness designated by Public Law 94-352 (16 U.S.C. 1132 note; 90 Stat. 870); and

(2) the Secretary of Agriculture shall adjust the boundaries of the Eagles Nest Wilderness to reflect the inclusion of the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is the parcel generally depicted on a map entitled "Slate Creek Addition—Eagles Nest Wilderness", dated February 1997, comprising approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

S. 589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—Congress finds that—

(1) certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate;

(2) in 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands; and

(3) the resurvey indicates that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—The purpose of this section to remove from the boundaries of the

Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97–465 (commonly known as the "Small Tracts Act") (16 U.S.C. 521c et seq.) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison National Forest and White River National Forest, Colorado, as designated by section 102(a)(16) of Public Law 96–560 (94 Stat. 3267; 16 U.S.C. 1132 note), is modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled "Encroachment-Raggeds Wilderness", dated November 17, 1993.

(d) MAP.—The map described in subsection (c) shall be on file and available for inspection in the appropriate offices of the Forest Service, Department of Agriculture.

(e) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97–465 (commonly known as the "Small Tracts Act") (16 U.S.C. 521c et seq.) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to the owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded real property and who have occupied the excluded real property in good faith reliance on an erroneous survey.

S. 590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miles Land Exchange Act of 1997".

SEC. 2. LAND EXCHANGE, ROUTT NATIONAL FOREST, COLORADO.

(a) AUTHORIZATION OF EXCHANGE.—If the parcel of non-Federal land described in subsection (b) is conveyed to the United States in accordance with this section, the Secretary of Agriculture shall convey to the person that conveys the parcel all right, title, and interest of the United States in and to a parcel of Federal land consisting of approximately 84 acres within the Routt National Forest in the State of Colorado, as generally depicted on the map entitled "Miles Land Exchange", Routt National Forest, dated May 1996.

(b) PARCEL OF NON-FEDERAL LAND.—The parcel of non-Federal land referred to in subsection (a) consists of approximately 84 acres, known as the "Miles parcel", located adjacent to the Routt National Forest, as generally depicted on the map entitled "Miles Land Exchange", Routt National Forest, dated May 1996.

(c) ACCEPTABLE TITLE.—Title to the non-Federal land conveyed to the United States under subsection (a) shall be such title as is acceptable to the Secretary of Agriculture, in conformance with title approval standards applicable to Federal land acquisitions.

(d) VALID EXISTING RIGHTS.—The conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary.

(e) APPROXIMATELY EQUAL VALUE.—The values of the Federal land and non-Federal land to be exchanged under this section are deemed to be approximately equal in value, and no additional valuation determinations are required.

(f) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary shall process the land exchange authorized by this section in the manner provided in subpart A of part 254 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(g) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Forest Supervisor, Routt National Forest, and in the office of the Chief of the Forest Service.

(h) BOUNDARY ADJUSTMENT.—

(1) INCLUSION IN ROUTT NATIONAL FOREST.—On approval and acceptance of title by the Secretary, the non-Federal land conveyed to the United States under this section shall become part of the Routt National Forest and shall be managed in accordance with the laws (including regulations) applicable to the National Forest System, and the boundaries of the Routt National Forest shall be adjusted to reflect the land exchange.

(2) RETROACTIVE APPLICATION.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the Routt National Forest, as adjusted by this section, shall be considered to be the boundaries of the Routt National Forest as of January 1, 1965.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

S. 591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is adjusted to include all National Forest System land located in Summit County, Colorado, comprising the Dillon Ranger District of the Arapaho National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is adjusted to exclude the land transferred to in the White River National Forest by paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any statute, regulation, manual, handbook, or other document shall be deemed to be a reference to the Dillon Ranger District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section affects valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the sixth paragraph under the heading FOREST SERVICE" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based on the national forest boundaries that existed on the day before the date of enactment of this Act.

SUMMIT COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Breckenridge, CO, February 7, 1997.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: We are writing in support of modifying the Eagles Nest Wilderness Area boundary to include a 160-acre property along the Slate Creek drainage owned by Scotty and Jeanette Moser. The Board of County Commissioners understands the Mosers want to transfer their property to the National Forest and wish to see the property become part of the wilderness area.

When the boundary for the Eagles Nest Wilderness Area was created in the 1970's, the Moser's property was not included since it was private property and could be effectively "cherry-stemmed" out of the wilderness area. This boundary, based on land ownership, has no on-the-ground basis. In fact, from a land management perspective, the Moser property should logically be part of the wilderness area.

The Mosers have gone to great lengths over the years to preserve the wilderness character of their property. The property contains outstanding riparian habitat, possesses spectacular views, and has no development on it.

There is strong community support in Summit County to include the Moser property in the Eagles Nest Wilderness Area. We are not aware of any opposition to include the Moser property in the Wilderness.

We respectively request your assistance to modify the Eagles Nest Wilderness Area boundary during this session of Congress to include the Moser's property.

Sincerely,

GARY M. LINDSTROM, *Chairman,*
Board of County Commissioners.

HINSDALE COUNTY,
Lake City, CO, June 20, 1996.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Board of County Commissioners and the citizens of Hinsdale County I am writing to express Hinsdale County's support for the proposed land exchange between the Bureau of Land Management (BLM) and Lake City Ranches, Ltd. Under the agreement, Lake City Ranches, Ltd will receive approximately 560 acres of land adjoining the existing ranch, while the BLM will acquire long sought after inholdings in or near the Handies Peak or Red Cloud Wilderness Study Areas or the Alpine Loop By-way.

Hinsdale County is ninety six percent federally owned and has always been concerned about land trades that erode the amount of private property within the county. Loss of property has unwanted impacts on the local economy and the local government. Also, Hinsdale County firmly believes that any federal actions that may impact our county, like land trades or other policy decisions, must have local public input and cooperation.

It is our understanding the proposed land trade will assist the BLM in consolidating their holdings within wilderness areas and preserve a beautiful and fragile environment. The acquisition by Lake City Ranches, Ltd, though marginal in terms of economic impact to the area, should not reduce the amount of private land within Hinsdale

County. Also, the local BLM office has assured us that no decision regarding the trade shall be made without full disclosure and local input into the decision making process. Both of the above are consistent with Hinsdale County's long-standing political policy and objectives.

Again let me state that Hinsdale County supports the proposed land trade between the BLM and Lake City Ranches, Ltd, as long as the county's policies regarding land trades and input to the decision making process are respected.

Sincerely,

JAMES LEWIS, *Chair,*
Hinsdale County Commissioners.

OPEN SPACE AND TRAILS,
Pitkin County, August 29, 1996.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: The Open Space and Trails Board of Trustees of Pitkin County respectfully requests that moneys be included in the Interior Appropriations legislation for FY 1997 to enable the U.S. Forest Service to purchase the 158 acre Warren Lakes property southeast of Aspen, Colorado. It is our understanding that the House version of the bill contained funds for the purchase since it is one of the top nationwide priorities for acquisition identified by the Forest Service, but that the Senate bill, for reasons unknown to us, did not. We urge that funding be assured in the House-Senate conference.

Public acquisition of Warren Lakes by the Forest Service has been a long-term priority for Pitkin County and the Open Space and Trails Board of Trustees because of the property's extremely high wetland, wilderness, wildlife and recreational values. In addition, the property is the only private inholding in an otherwise solid block of Forest Service land, making the Forest Service the logical owner for this property. As you are likely aware, Pitkin County has for many decades vigorously pursued the protection of open space throughout the County in cooperation with the Forest Service, and the acquisition of the Warren Lakes parcel by the Forest Service is a key element in both entities' plans to protect important areas of open space.

Because of its proximity to the Town of Aspen (5 miles via dirt road) and to the Hunter-Fryingpan Wilderness, public ownership of Warren Lakes will provide important new access to the wilderness and public lands while ensuring perpetual public access along the road through the property, and open up new opportunities for public recreation close to Town. This, in an of itself, is a very important reason for the Forest Service to pursue this acquisition. In addition, Warren Lakes has three large manmade ponds which will provide new fishing opportunities and pristine breeding areas for fish species. The wetlands and peat bogs themselves possess very significant ecological values: they support a unique ecology of many rare plants and provide habitat for numerous animals and birds; they act as natural filtration systems and clean water supplies and replenish ground water; they trap and store water preventing downstream erosion; and, they help abate downstream flooding by acting as natural sponges, absorbing heavy rainfall and snowmelt and then slowly releasing the water downstream. Mountain peat accumulates in these wetlands at only 3 to 11 inches per thousand years and scientists estimate that only 1% of the land in Colorado supports biological communities found in Colorado's peatlands. These combined values are exceedingly rare to find in just one piece of land, and explain why both our constituents and the Forest Service are so anxious to see the land conveyed into public ownership.

The Open Space and Trails Board urges you to do whatever you can to insure that funding for this Forest Service purchase is included in this year's appropriations bill.

Sincerely,

WILLIAM E.L. FALES,
Chairman.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. BIDEN and Mr. ROBB):

S. 592. A bill to grant the power to the President to reduce budget authority; to the Committee on Rules and Administration.

LINE-ITEM VETO LEGISLATION

Mr. HOLLINGS. Mr. President, I have just submitted legislation at the desk to create a separate enrollment version of the line-item veto.

Mr. President, this is the same bill word for word that passed the U.S. Senate on March 25, 1995, by a bipartisan vote of 69 Senators. It was introduced at the time by Senator Dole.

It follows a long history of efforts on behalf of the separate enrollment approach and is different to the enhanced rescission which has been found unconstitutional by the district court.

Back in 1985, I worked alongside Senator Mattingly, and we got 58 votes for the separate enrollment version.

We passed similar legislation in the Senate in 1995, but lost out in conference when the conferees endorsed the House approved enhanced rescission approach rather than the separate enrollment version.

But the courts have now struck down that law. They have ruled that once a bill is signed into law, under the Constitution, the President does not have the authority to repeal laws. Such a repeal is a legislative power which article I of our Constitution reserves for the Congress.

Mr. President, the line-item veto has a proven track record in bringing about financial responsibility at the State and local level. As a Governor, the distinguished Presiding Officer knows that you cannot print money like we do up here in Washington. And if you do all of this borrowing and spending and borrowing and spending, before long you lose your credit rating.

The line-item veto is used at the present time in some 43 States. The separate enrollment mechanism that this legislation is based upon has been shown to meet constitutional muster by Prof. Laurence Tribe of Harvard in a letter to former Senator Bill Bradley back in January 1993. I spoke with Professor Tribe yesterday morning on the telephone at which time he reaffirmed that legal opinion.

Mr. President, this effort is not meant to fix the blame, but to fix the problem. We are not enhancing or diminishing Presidential powers. We are simply changing congressional procedures. We are using the congressional power under article I, section 5 of the Constitution which vests Congress with broad authority to set the rules for its own procedure. And that authority is exercised through changes in the rules which would require separate enrollment. That was found to be the one way that a statutory line-item veto could pass constitutional scrutiny.

We are very, very hopeful that this bill can assist us in fixing responsibility on the one hand and reducing deficits on the other hand. We all know that we are not here, as lawyer Sullivan said, as "potted plants." But we are sometimes embarrassed when we see things like appropriations for Lawrence Welk's home.

In 1992, the Government Accounting Office, [GAO] did a study and found that over a 5-year period the line-item veto would save some $70 billion.

So we are very hopeful that we can get expedited procedure. It has been debated for the past 15 years. It has been used by all the Governors now in some 43 States. And there is no rhyme nor reason for us to play around and wait for the delay in the courts.

We are in a very serious circumstance. Our debt has so risen that the interest costs to the Government now are $1 billion a day—$1 billion a day—increased spending for interest costs on the national debt.

It is the largest spending item in the budget. And so I thank the distinguished Senator from Florida for yielding, but I wanted to make sure we introduced this legislation this morning before we got on to the unanimous consent with the particular measure at hand.

By Mr. SPECTER:

S. 593. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

FLAT TAX LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Flat Tax Act of 1997. This is legislation modeled after the legislation which I introduced in the 104th Congress, in March 1995, which was the first Senate introduction of flat tax legislation.

This bill is modeled after proposals by two distinguished professors of law from Stanford University, Professor Hall and Professor Rabushka. This bill would eliminate all deductions, like the Hall-Rabushka plan, with the modification in my legislation to allow deductions for interest on home interest mortgages up to borrowings of $100,000 and contributions to charity up to $2,500.

The Hall-Rabushka plan would provide for a flat tax rate of 19 percent to be revenue neutral. My proposal raises that rate by 1 percent to 20 percent to allow for the deductions for home interest mortgages, which would cost $35 billion a year, and the charitable deduction, which would cost $13 billion a year.

Mr. President, the advantages of the flat tax are very, very substantial.

First, in the interest of simplicity, a tax return could be filled out on a simple postcard. And this is a tax return which I hold in my hand which could take 15 minutes to fill out. It requires simply that the taxpayer list the gross revenue, list his taxable income, carry forward the deductions for his family, any deductions on interest, any deduction on a home mortgage, the balance of the taxable items, multiplied by 20 percent.

Taxpayers in the United States today, Mr. President, spend some 5,400,000 hours at a cost of some $600 billion a year. The flat tax taxes income only once and thereby eliminates the tax on capital gains. It eliminates the tax on estates, eliminates the tax on dividends, all of which have already been taxed once.

The flat tax is frequently challenged as being regressive, but the fact of the matter is that a taxpayer of a family of four would pay no taxes on the first $27,500 in income; and as it graduates up the scale, a taxpayer earning $35,000 would pay $1,219 less in tax than is paid under the current plan.

It is frequently thought that the flat tax would be regressive and place a higher tax burden on lower income families, but that simply is not true. And the reason that we can have a win-win situation is because the flat tax provides for savings on compliance in the range of some $600 billion a year.

This is a very progrowth proposition. And the economists have projected that over a 7-year period the gross national product could be increased by some $2 trillion. That is over $7,000 for every man, woman, and child in America.

The great advantages of simplicity would especially be appreciated, Mr. President, on this particular day, April 16, because yesterday was the final day for filing the tax returns without any extension. And I have chosen the first day of the new tax period for symbolic reasons—April 16—as a day to reintroduce the flat tax to try to give us some momentum because it is my firm view that if Americans really understood the import of the flat tax, its simplicity, its growth, and its savings, that it would be widely heralded.

Mr. President, as I stated, in the 104th Congress, I was the first Senator to introduce flat tax legislation and the first Member of Congress to set forth a deficit-neutral plan for dramatically reforming our Nation's Tax Code and replacing it with a flatter, fairer plan designed to stimulate economic growth. My flat tax legislation was also the first plan to retain limited deductions for home mortgage interest and charitable contributions.

I testified with House Majority Leader RICHARD ARMEY before the Senate Finance and House Ways and Means Committees, as well as the Joint Economic Committee and the House Small Business Committee on the tremendous benefits of flat tax reform. As I traveled around the country and held open-house town meetings across Pennsylvania and other States, the public support for fundamental tax reform was overwhelming. I would point out in those speeches that I never leave home without two key documents: My copy of the Constitution and my copy of my 10-line-flat-tax postcard. I soon realized that I needed more than just one copy of my flat-tax postcard—many people wanted their own postcard so that they could see what life in a flat tax world would be like, where tax returns only take 15 minutes to fill out and individual taxpayers are no longer burdened with double taxation on their dividends, interest, capital gains, and estates.

Support for the flat tax is growing as more and more Americans embrace the simplicity, fairness, and growth potential of flat tax reform. An April 17, 1995, edition of Newsweek cited a poll showing that 61 percent of Americans favor a flat tax over the current Tax Code. Significantly, a majority of the respondents who favor the flat tax preferred my plan for a flat tax with limited deductions for home mortgage interest and charitable contributions. Well before he entered the Republican Presidential primary, publisher Steve Forbes opined in a March 27, 1995, Forbes editorial about the tremendous appeal and potency of my flat tax plan.

Congress was not immune to public demand for reform. Jack Kemp was appointed to head up the National Commission on Economic Growth and Tax Reform and the commission soon came out with its report recognizing the value of a fairer, flatter Tax Code. Mr. Forbes soon introduced a flat tax plan of his own, and my fellow candidates in the Republican Presidential primary began to embrace similar versions of either a flat tax or a consumption-based tax system.

Unfortunately, the politics of the Presidential campaign denied the flat tax a fair hearing and momentum stalled. On October 27, 1995, I introduced a sense-of-the-Senate resolution calling on my colleagues to expedite congressional adoption of a flat tax. The resolution, which was introduced as an amendment to pending legislation, was not adopted.

In this new period of opportunity as we commence the 105th session of Congress, I am optimistic that public support for flat tax reform will enable us to move forward and adopt this critically important and necessary legislation. That is why I am again introducing my Flat Tax Act of 1997, with some slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances.

My flat tax legislation will fundamentally revise the present Tax Code, with its myriad rates, deductions, and instructions. Instead, this legislation would institute a simple, flat 20 percent tax rate for all individuals and businesses. It will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This proposal is not cast in stone, but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness, and economic growth.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our Nation's Tax Code and the policies which underlie it. I began this study of the complexities of the Tax Code 40 years ago as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the Villanova Law Review, "Pension and Profit Sharing Plans: Coverage and Operation for Closely Held Corporations and Professional Associations," 7 Villanova L. Rev. 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some; and made the already unpleasant obligation of paying taxes a real nightmare for many Americans.

Well before I introduced my flat tax bill early in the 104th Congress, I had discussions with Congressman RICHARD ARMEY, now the House majority leader, about his flat tax proposal. Since then, and both before and after introducing my original flat tax bill, my staff and I have studied the flat tax at some length, and have engaged in a host of discussions with economists and tax experts, including the staff of the Joint Committee on Taxation, to evaluate the economic impact and viability of a flat tax.

Based on those discussions, and on the revenue estimates supplied to us, I have concluded that a simple flat tax at a rate of 20 percent on all business and personal income can be enacted without reducing Federal revenues.

The flat tax will help reduce the size of government and allow ordinary citizens to have more influence over how their money is spent because they will

spend it—not the Government. With a simple 20 percent flat tax rate in effect, the average person can easily see the impact of any additional Federal spending proposal on his or her own paycheck. By creating strong incentives for savings and investment, the flat tax will have the beneficial result of making available larger pools of capital for expansion of the private sector of the economy—rather than more tax money for big government. This will mean more jobs and, just as important, more higher paying jobs.

As a matter of Federal tax policy, there has been considerable controversy over whether tax breaks should be used to stimulate particular kinds of economic activity, or whether tax policy should be neutral, leaving people to do what they consider best from a purely economic point of view. Our current Tax Code attempts to use tax policy to direct economic activity, but experience under that Code has demonstrated that so-called tax breaks are inevitably used as the basis for tax shelters which have no real relation to solid economic purposes, or to the activities which the tax laws were meant to promote. Even when the Government responds to particular tax shelters with new and often complex revisions of the regulations, clever tax experts are able to stay one or two steps ahead of the IRS bureaucrats by changing the structure of their business transactions and then claiming some legal distinctions between the taxpayer's new approach and the revised IRS regulations and precedents.

Under the massive complexity of the current IRS Code, the battle between $500-an-hour tax lawyers and IRS bureaucrats to open and close loopholes is a battle the Government can never win. Under the flat tax bill I offer today, there are no loopholes, and tax avoidance through clever manipulations will become a thing of the past.

The basic model for this legislation comes from a plan created by Profs. Robert Hall and Alvin Rabushka of the Hoover Institute at Stanford University. Their plan envisioned a flat tax with no deductions whatever. After considerable reflection, I decided to include limited deductions for home mortgage interest on up to $100,000 in borrowing and charitable contributions up to $2,500 in the legislation. While these modifications undercut the pure principle of the flat tax, by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With those two deductions maintained, passage of a modified flat tax will be difficult; but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19-percent rate, is based on a well documented model founded on reliable governmental statistics. My legislation raises that rate from 19- to 20-percent to accommodate retaining limited home mortgage interest and charitable deductions. A preliminary estimate last Congress by the Committee on Joint Taxation places the annual cost of the home interest deduction at $35 billion, and the cost of the charitable deduction at $13 billion. While the revenue calculation is complicated because the Hall-Rabushka proposal encompasses significant revisions to business taxes as well as personal income taxes, there is a sound basis for concluding that the 1-percent increase in rate would pay for the two deductions. Revenue estimates for Tax Code revisions are difficult to obtain and are, at best, judgment calls based on projections from fact situations with myriad assumed variables. It is possible that some modification may be needed at a later date to guarantee revenue neutrality.

This legislation offered today is quite similar to the bill introduced in the House by Congressman ARMEY and in the Senate late in 1995 by Senator RICHARD SHELBY, which were both in turn modeled after the Hall-Rabushka proposal. The flat tax offers great potential for enormous economic growth, in keeping with principles articulated so well by Jack Kemp. This proposal taxes business revenues fully at their source, so that there is no personal taxation on interest, dividends, capital gains, gifts, or estates. Restructured in this way, the Tax Code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and a rising standard of living for all Americans.

In the 104th Congress, we took some important steps toward reducing the size and cost of Government, and this work is ongoing and vitally important. But the work of downsizing Government is only one side of the coin; what we must do at the same time, and with as much energy and care, is to grow the private sector. As we reform the welfare programs and Government bureaucracies of past administrations, we must replace those programs with a prosperity that extends to all segments of American society through private investment and job creation—which can have the additional benefit of producing even lower taxes for Americans as economic expansion adds to Federal revenues. Just as Americans need a Tax Code that is fair and simple, they also are entitled to tax laws designed to foster rather than retard economic growth. The bill I offer today embodies those principles.

My plan, like the Armey-Shelby proposal, is based on the Hall-Rabushka analysis. But my flat tax differs from the Armey-Shelby plan in four key respects: First, my bill contains a 20-percent flat tax rate. Second, this bill would retain modified deductions for mortgage interest and charitable contributions—which will require a 1-percent higher tax rate than otherwise. Third, my bill would maintain the automatic withholding of taxes from an individual's paycheck. Last, my bill is designed to be revenue neutral, and thus will not undermine our vital efforts to balance the Nation's budget. The estimate of revenue neutrality is based on the Hall-Rabushka analysis together with preliminary projections supplied by the Joint Committee on Taxation on the modifications proposed in this bill.

The key advantages of this flat tax plan are threefold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers, and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic growth in all sectors of the economy as more money flows into investments and savings accounts, and as interest rates drop. By contrast, there will be a contraction of the IRS if this proposal is enacted.

Under this tax plan, individuals would be taxed at a flat rate of 20 percent on all income they earn from wages, pensions, and salaries. Individuals would not be taxed on any capital gains, interest on savings, or dividends—since those items will have already been taxed as part of the flat tax on business revenue. The flat tax will also eliminate all but two of the deductions and exemptions currently contained within the Tax Code. Instead, taxpayers will be entitled to personal allowances for themselves and their children. These personal allowances have been adjusted upward to reflect inflation increases for 1995 and 1996. Thus, the new personal allowances are: $10,000 for a single taxpayer; $15,000 for a single head of household; $17,500 for a married couple filing jointly; and $5,000 per child or dependent. These personal allowances would be adjusted annually for inflation commencing in 1997.

In order to ensure that this flat tax does not unfairly impact low-income families, the personal allowances contained in my proposal are much higher than the standard deduction and personal exemptions allowed under the current Tax Code. For example, in 1996, the standard deduction is $4,000 for a single taxpayer, $5,900 for a head of household, and $6,700 for a married couple filing jointly, while the personal exemption for individuals and dependents is $2,550. Thus, under the current Tax Code, a family of four which does

not itemize deductions would pay tax on all income over $16,900—personal exemptions of $10,400 and a standard deduction of $6,700. By contrast, under my flat tax bill, that same family would receive a personal exemption of $27,500, and would pay tax only on income over that amount.

My legislation retains the provisions for the deductibility of charitable contributions up to a limit of $2,500 and home mortgage interest on up to $100,000 of borrowing. Retention of these key deductions will, I believe, enhance the political salability of this legislation and allow the debate on the flat tax to move forward. If a decision is made to eliminate these deductions, the revenue saved could be used to reduce the overall flat tax rate below 20 percent.

With respect to businesses, the flat tax would also be a flat rate of 20 percent. My legislation would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits, and other complexities that go into business taxation in favor of a much-simplified system that taxes all business revenue less only wages, direct expenses, and purchases—a system with much less potential for fraud, "creative accounting," and tax avoidance.

Businesses would be allowed to expense 100 percent of the cost of capital formation, including purchases of capital equipment, structures, and land, and to do so in the year in which the investments are made. The business tax would apply to all money not reinvested in the company in the form of employment or capital formation—thus fully taxing revenue at the business level and making it inappropriate to retax the same moneys when passed on to investors as dividends or capital gains.

Let me now turn to a more specific discussion of the advantages of the flat tax legislation I am reintroducing today.

SIMPLICITY

The first major advantage to this flat tax is simplicity. According to the Tax Foundation, Americans spend approximately 5.3 billion hours each year filling out tax forms. Much of this time is spent burrowing through IRS laws and regulations which fill 12,000 pages and which, according to the Tax Foundation, have grown from 744,000 words in 1955 to 5.6 million words in 1994. The Internal Revenue Code annotations alone fill 21 volumes of mind-numbing detail and minutiae.

Whenever the Government gets involved in any aspect of our lives, it can convert the most simple goal or task into a tangled array of complexity, frustration, and inefficiency. By way of example, most Americans have become familiar with the absurdities of the Government's military procurement programs. If these programs have taught us anything, it is how a simple purchase order for a hammer or a toilet seat can mushroom into thousands of words of regulations and restrictions when the Government gets involved. The Internal Revenue Service is certainly no exception. Indeed, it has become a distressingly common experience for taxpayers to receive computerized printouts claiming that additional taxes are due, which require repeated exchanges of correspondence or personal visits before it is determined, as it so often is, that the taxpayer was right in the first place.

The plan offered today would eliminate these kinds of frustrations for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations, instructions, and delete literally millions of words from the Internal Revenue Code. Instead of tens of millions of hours of nonproductive time spent in compliance with—or avoidance of—the Tax Code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity, or for more time with their families, instead of poring over tax tables, schedules, and regulations.

The flat tax I have proposed can be calculated just by filling out a small postcard which would require a taxpayer only to answer a few easy questions. The postcard would look like this:

FORM 1 INDIVIDUAL WAGE TAX 1997

Your first name and initial (if joint return, also give spouse's name and initial).

Your social security number.

Home address (number and street including apartment number or rural route).

Spouse's social security number.

City, town, or post office, state, and ZIP code.

1. Wages, salary, pension and retirement benefits.

2. Personal allowance (enter only one):

—$17,500 for married filing jointly;

—$10,000 for single;

—$15,000 for single head of household.

3. Number of dependents, not including spouse, multiplied by $5,000.

4. Mortgage interest on debt up to $100,000 for owner-occupied home.

5. Cash or equivalent charitable contributions (up to $2,500).

6. Total allowances and deductions (lines 2, 3, 4 and 5).

7. Taxable compensation (line 1 less line 6, if positive; otherwise zero).

8. Tax (20% of line 7).

9. Tax withheld by employer.

10. Tax or refund due (difference between lines 8 and 9).

Filing a tax return would become a manageable chore, not a seemingly endless nightmare, for most taxpayers.

CUTTING BACK GOVERNMENT

Along with the advantage of simplicity, enactment of this flat tax bill will help to remove the burden of costly and unnecessary Government regulation, bureaucracy and redtape from our everyday lives. The heavy hand of Government bureaucracy is particularly onerous in the case of the Internal Revenue Service, which has been able to extend its influence into so many aspects of our lives.

In 1995, the IRS employed 117,000 people, spread out over countless offices across the United States. Its budget was in excess of $7 billion, with over $4 billion spent merely on enforcement. By simplifying the tax code and eliminating most of the IRS' vast array of rules and regulations, the flat tax would enable us to cut a significant portion of the IRS budget, including the bulk of the funding now needed for enforcement and administration.

In addition, a flat tax would allow taxpayers to redirect their time, energies and money away from the yearly morass of tax compliance. According to the Tax Foundation, in 1996, businesses will spend over $150 billion complying with the Federal tax laws, and individuals will spend an additional $74 billion, for a total of nearly $225 billion. Fortune magazine estimates a much higher cost of compliance—nearly $600 billion per year. According to a Tax Foundation study, adoption of flat tax reform would cut pre-filing compliance costs by over 90 percent.

Monies spent by businesses and investors in creating tax shelters and finding loopholes could be instead directed to productive and job-creating economic activity. With the adoption of a flat tax, the opportunities for fraud and cheating would also be vastly reduced, allowing the government to collect, according to some estimates, over $120 billion annually.

ECONOMIC GROWTH

The third major advantage to a flat tax is that it will be a tremendous spur to economic growth. Harvard economist Dale Jorgenson estimates adoption of a flat tax like the one offered today would increase future national wealth by over $2 trillion, in present value terms, over a 7-year period. This translates into over $7,500 in increased wealth for every man, woman and child in America. This growth also means that there will be more jobs—it is estimated that the $2 trillion increase in wealth would lead to the creation of 6 million new jobs.

The economic principles are fairly straightforward. Our current tax system is inefficient; it is biased toward too little savings and too much consumption. The flat tax creates substantial incentives for savings and investment by eliminating taxation on interest, dividends and capital gains—and tax policies which promote capital formation and investment are the best vehicle for creation of new and high paying jobs, and for a greater prosperity for all Americans.

It is well recognized that to promote future economic growth, we need not

only to eliminate the Federal Government's reliance on deficits and borrowed money, but to restore and expand the base of private savings and investment that has been the real engine driving American prosperity throughout our history. These concepts are interrelated, for the Federal budget deficit soaks up much of what we have saved, leaving less for businesses to borrow for investments.

It is the sum total of savings by all aspects of the U.S. economy that represents the pool of all capital available for investment—in training, education, research, machinery, physical plant, et cetera—and that constitutes the real seed of future prosperity. The statistics here are daunting. In the 1960's, the net U.S. national savings rate was 8.2 percent, but it has fallen to a dismal 1.5 percent. In recent international comparisons, the United States has the lowest savings rate of any of the G–7 countries. We save at only one-tenth the rate of the Japanese, and only one-fifth the rate of the Germans. This is unacceptable and we must do something to reverse the trend.

An analysis of the components of U.S. savings patterns shows that although the Federal budget deficit is the largest cause of dissavings, both personal and business savings rates have declined significantly over the past three decades. Thus, to recreate the pool of capital stock that is critical to future U.S. growth and prosperity, we have to do more than just get rid of the deficit. We have to very materially raise our levels of private savings and investment. And we have to do so in a way that will not cause additional deficits.

The less money people save, the less money is available for business investment and growth. The current tax system discourages savings and investment, because it taxes the interest we earn from our savings accounts, the dividends we make from investing in the stock market, and the capital gains we make from successful investments in our homes and the financial markets. Indeed, under the current law these rewards for saving and investment are not only taxed, they are overtaxed—since gains due solely to inflation, which represent no real increase in value, are taxed as if they were profits to the taxpayer.

With the limited exceptions of retirement plans and tax-free municipal bonds, our current tax code does virtually nothing to encourage personal savings and investment, or to reward it over consumption. This bill will change this system, and address this problem. The proposed legislation reverses the current skewed incentives by promoting savings and investment by individuals and by businesses. Individuals would be able to invest and save their money tax free and reap the benefits of the accumulated value of those investments without paying a capital gains tax upon the sale of these investments. Businesses would also invest more as the flat tax allowed them to expense fully all sums invested in new equipment and technology in the year the expense was incurred, rather than dragging out the tax benefits for these investments through complicated depreciation schedules. With greater investment and a larger pool of savings available, interest rates and the costs of investment would also drop, spurring even greater economic growth.

Critics of the flat tax have argued that we cannot afford the revenue losses associated with the tremendous savings and investment incentives the bill affords to businesses and individuals. Those critics are wrong. Not only is this bill carefully crafted to be revenue neutral, but historically we have seen that when taxes are cut, revenues actually increase, as more taxpayers work harder for a larger share of their take-home pay, and investors are more willing to take risks in pursuit of rewards that will not get eaten up in taxes.

As one example, under President Kennedy when individual tax rates were lowered, investment incentives including the investment tax credit were created and then expanded and depreciation rates were accelerated. Yet, between 1962 and 1967, gross annual Federal tax receipts grew from $99.7 billion to $148 billion—an increase of nearly 50 percent. More recently after President Reagan's tax cuts in the early 1980's, Government tax revenues rose from just under $600 billion in 1981 to nearly $1 trillion in 1989. In fact, the Reagan tax cut program helped to bring about one of the longest peacetime expansions of the U.S. economy in history. There is every reason to believe that the flat tax proposed here can do the same—and by maintaining revenue neutrality in this flat tax proposal, as we have, we can avoid any increases in annual deficits and the national debt.

In addition to increasing Federal revenues by fostering economic growth, the flat tax can also add to Federal revenues without increasing taxes by closing tax loopholes. The Congressional Research Service estimates that for fiscal year 1995, individuals sheltered more than $393 billion in tax revenue in legal loopholes, and corporations sheltered an additional $60 billion. There may well be additional money hidden in quasi-legal or even illegal tax shelters. Under a flat tax system, all tax shelters will disappear and all income will be subject to taxation.

The larger pool of savings created by a flat tax will also help to reduce our dependence on foreign investors to finance both our Federal budget deficits and our private sector economic activity. Currently, of the publicly held Federal debt—that is, the portion not held by various Federal trust funds like Social Security—nearly 20 percent is held by foreigners—the highest level in our history. By contrast, in 1965 less than 5 percent of publicly held national debt was foreign owned. We are paying over $40 billion in annual interest to foreign governments and individuals, and this by itself accounts for roughly one-third of our whole international balance of payments deficit. These massive interest payments are one of the principal sources of American capital flowing abroad, a factor which then enables foreign investors to buy up American businesses. During the period 1980–91, the gross value of U.S. assets owned by foreign businesses and individuals rose 427 percent, from $543 billion to $2.3 trillion.

The substantial level of foreign ownership of our national debt creates both political and economic problems. On the political level, there is at least the potential that some foreign nation may assume a position where its level of investment in U.S. debt gives it disproportionate leverage over American policy. Economically, increasing foreign investment in Treasury debt furthers our national shift from a creditor to a debtor nation, weakening the dollar and undercutting our international trade position. A recent Congressional Research Service report put it succinctly: "To pay for today's capital inflows, tomorrow's economy will have to ship more abroad in exchange for fewer foreign products. These payments will be a consequence in part of heavy Federal borrowing since 1982." With a flat tax in place, America's own supply of capital can be replenished, and we can return to our historic position as an international creditor nation rather than a debtor.

The growth case for a flat tax is compelling. It is even more compelling in the case of a tax revision that is simple and demonstrably fair.

FAIRNESS

By substantially increasing the personal allowances for taxpayers and their dependents, this flat tax proposal ensures that poorer taxpayers will pay no tax and that taxes will not be regressive for lower and middle income taxpayers. At the same time, by closing the hundreds of tax loopholes which are currently used by wealthier taxpayers to shelter their income and avoid taxes, this flat tax bill will also ensure that all Americans pay their fair share.

A variety of specific cases illustrate the fairness and simplicity of this flat tax:

Case No. 1—Married couple with two children, rents home, yearly income $35,000

Under Current Law:	
Income	$35,000
Four personal exemptions	$10,200
Standard deduction	6,700
Taxable income	$18,100
Tax due under current rates	$2,719

Case No. 1—Married couple with two children, rents home, yearly income $35,000—Continued

Marginal rate (percent)	15.0
Effective tax rate (percent)	7.8
Under Flat Tax:	
Personal allowance	$17,500
Two dependents	$10,000
Taxable income	$7,500
Tax due under flat tax	$1,500
Effective tax rate (percent)	4.3

Savings of $1,219

Case No. 2—Single individual, rents home, yearly income $50,000

Under Current Law:	
Income	$50,000
One personal exemption	$2,550
Standard deduction	$4,000
Taxable income	$43,450
Tax due under current rates	$9,053
Marginal rate (percent)	28.0
Effective rate (percent)	18.1
Under Flat Tax:	
Personal allowance	$10,000
Taxable income	$40,000
Tax due under flat tax	$8,000
Effective rate (percent)	16.0

Savings of $1,053

Case No. 3—Married couple with no children, $150,000 mortgage at 9%, yearly income $75,000

Under Current Law:	
Income	$75,000
Two personal exemptions	$5,100
Home mortgage deduction	$13,500
State and local taxes	$3,000
Charitable deduction	$1,500
Taxable income	$51,900
Tax due under current rates	$9,326

Case No. 3—Married couple with no children, $150,000 mortgage at 9%, yearly income $75,000—Continued

Marginal rate (percent)	28
Effective tax rate (percent)	12.4
Under Flat Tax:	
Personal allowance	$17,500
Home mortgage deduction	$9,000
Charitable deduction	$1,500
Taxable income	$47,000
Tax due under flat tax	$9,400
Effective tax rate (percent)	12.5

Slight Increase of $74

Case No. 4—Married couple with three children, $250,000 mortgage at 9%, yearly income $125,000

Under Current Law:	
Income	$125,000
Five personal exemptions	$12,750
Home mortgage deduction	$22,500
State and local taxes	$5,000
Retirement fund deductions	$6,000
Charitable deductions	$2,500
Taxable income	$76,250
Tax due under current rates	$16,130
Marginal rate (percent)	31
Effective tax rate (percent)	12.9
Under Flat Tax:	
Personal allowance	$17,500
Three dependents	$15,000
Home mortgage deduction	$9,000
Charitable deduction	$2,500
Taxable income	$81,000
Tax due under flat tax	$16,200
Effective tax rate (percent)	13

Slight Increase of $70

Case No. 5—Married couple, no children, $1,000,000 mortgages at 9% on 2 homes, $500,000 income

Under Current Law:	
Income	$500,000

Case No. 5—Married couple, no children, $1,000,000 mortgages at 9% on 2 homes, $500,000 income—Continued

Personal exemptions at this level	$0
Home mortgage deductions	$90,000
State and local taxes	$40,000
Retirement deductions	$50,000
Charitable deductions	$30,000
Taxable income	$290,000
Tax due under current rates	$91,949
Marginal rate (percent)	39.6
Effective tax rate (percent)	18.4
Under Flat Tax:	
Personal allowance	$17,500
Mortgage deduction	$9,000
Charitable deduction	$2,500
Taxable income	$471,000
Tax due under flat tax	$94,200
Effective tax rate (percent)	18.8

$2,251 higher taxes

The flat tax legislation that I am offering will retain the element of progressivity that Americans view as essential to fairness in an income tax system. Because of the lower end income exclusions, and the capped deductions for home mortgage interest and charitable contributions, the effective tax rates under my bill will range from 0 percent for families with incomes under about $30,000 to roughly 20 percent for the highest income groups:

ANNUAL TAXES UNDER 20 PERCENT FLAT TAX FOR MARRIED COUPLE WITH TWO CHILDREN FILING JOINTLY

Income	Home mortgage)[1]	Deductible mtg. interest	Charitable contribution)[1]	Personal allowance (w/children)	Taxable income	Marginal tax rate (in percent)	Taxes owed
<27,500					0	0	0
30,000	60,000	5,400	600	27,500	0	0	0
40,000	80,000	7,200	800	27,500	4,500	2.3	900
50,000	100,000	9,000	1,000	27,500	12,500	5.0	2,500
60,000	120,000	9,000	1,200	27,500	22,300	7.4	4,460
70,000	140,000	9,000	1,400	27,500	32,100	9.2	6,420
80,000	160,000	9,000	1,600	27,500	41,900	10.5	8,380
90,000	180,000	9,000	1,800	27,500	51,700	11.5	10,340
100,000	200,000	9,000	2,000	27,500	61,500	12.3	12,300
125,000	250,000	9,000	2,500	27,500	86,000	13.8	17,200
150,000	300,000	9,000	2,500	27,500	111,000	14.8	22,200
200,000	400,000	9,000	2,500	27,500	161,000	16.1	32,200
250,000	500,000	9,000	2,500	27,500	211,000	16.8	42,200
500,000	1,000,000	9,000	2,500	27,500	461,000	18.4	92,200
1,000,000	2,000,000	9,000	2,500	27,500	961,000	19.2	192,200

[1]Assumes home mortgage of twice annual income at a rate of 9 percent and charitable contributions up to 2 percent of annual income.

My proposed legislation demonstrably retains the fairness that must be an essential component of the American tax system.

CONCLUSION

The proposal that I make today is dramatic, but so are its advantages: a taxation system that is simple, fair, and designed to maximize prosperity for all Americans. A summary of the key advantages are:

Simplicity: A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans up to 5.3 billion hours they currently spend every year in tax compliance.

Cuts Government: The flat tax would eliminate the lion's share of IRS rules, regulations, and requirements, which have grown from 744,000 words in 1955 to 5.6 million words and 12,000 pages currently. It would also allow us to slash the mammoth IRS bureaucracy of 117,000 employees.

Promotes economic growth: Economists estimate a growth of over $2 trillion in national wealth over 7 years, representing an increase of approximately $7,500 in personal wealth for every man, woman, and child in America. This growth would also lead to the creation of 6 million new jobs.

Increases efficiency: Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Reduces interest rates: Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Lowers compliance costs: Americans would be able to save up to $224 billion they currently spend every year in tax compliance.

Decreases fraud: As tax loopholes are eliminated and the Tax Code is simplified, there will be far less opportunity for tax avoidance and fraud, which now amounts to over $120 billion in uncollected revenue annually.

Reduces IRS costs: Simplification of the Tax Code will allow us to save significantly on the $7 billion annual budget currently allocated to the Internal Revenue Service.

Professors Hall and Rabushka have projected that within 7 years of enactment, this type of a flat tax would produce a 6-percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a $7,500 increase in the personal income of all Americans.

No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth and prosperity. The legislation I introduce today will afford Americans such a tax system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Flat Tax Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

"Subchapter A—Determination of Tax Liability

"PART I—TAX ON INDIVIDUALS

"SECTION 1. TAX IMPOSED.

"(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

"(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of—

"(1) the earned income received or accrued during the taxable year, over

"(2) the sum of—

"(A) the standard deduction,

"(B) the deduction for cash charitable contributions, and

"(C) the deduction for home acquisition indebtedness,

for such taxable year.

"(c) EARNED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

"(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"SEC. 2. STANDARD DEDUCTION.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

"(1) the basic standard deduction, plus

"(2) the additional standard deduction.

"(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

"(1) $17,500 in the case of—

"(A) a joint return, and

"(B) a surviving spouse (as defined in section 5(a)),

"(2) $15,000 in the case of a head of household (as defined in section 5(b)), and

"(3) $10,000 in the case of an individual—

"(A) who is not married and who is not a surviving spouse or head of household, or

"(B) who is a married individual filing a separate return.

"(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is $5,000 for each dependent (as defined in section 5(d))—

"(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

"(2) who is a child of the taxpayer and who—

"(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

"(B) is a student who has not attained the age of 24 at the close of such calendar year.

"(d) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1997, each dollar amount contained in subsections (b) and (c) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) of such section.

"(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed $2,500 ($1,250, in the case of a married individual filing a separate return), payment of which is made within the taxable year.

"(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section , the term 'charitable contribution' means a contribution or gift of cash or its equivalent to or for the use of the following:

"(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

"(2) A corporation, trust, or community chest, fund, or foundation—

"(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;

"(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals;

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and

"(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

"(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions, and

"(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

"(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term 'charitable contribution' also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

"(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

"(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

"(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the

contribution by the donee organization that meets the requirements of subparagraph (B).

"(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

"(i) The amount of cash contributed.

"(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

"(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term 'intangible religious benefit' means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

"(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

"(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

"(ii) the due date (including extensions) for filing such return.

"(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

"(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

"(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

"(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

"(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 5(d), or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

"(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

"(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on

shall be treated as amounts paid for the use of the organization.

"(2) LIMITATIONS.—

"(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

"(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

"(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (H) of section 5(d)(1).

"(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

"(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement, unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

"(f) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—For disallowance of deductions for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

"(g) TREATMENT OF CERTAIN AMOUNTS PAID TO OR FOR THE BENEFIT OF INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if—

"(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

"(i) which is described in subsection (d)(1)(B), and

"(ii) which is an institution of higher education (as defined in section 3304(f)), and

"(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

"(h) OTHER CROSS REFERENCES.—

"(1) For treatment of certain organizations providing child care, see section 501(k).

"(2) For charitable contributions of partners, see section 702.

"(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

"(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

"(5) For treatment of gifts of money accepted by the Attorney General for credit to the 'Commissary Funds, Federal Prisons' as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

"(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

"SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

"(b) QUALIFIED RESIDENCE INTEREST DEFINED.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

"(c) ACQUISITION INDEBTEDNESS.—

"(1) IN GENERAL.—The term 'acquisition indebtedness' means any indebtedness which—

"(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

"(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(2) $100,000 LIMITATION.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed $100,000 ($50,000 in the case of a married individual filing a separate return).

"(d) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.—

"(1) IN GENERAL.—In the case of any pre-October 13, 1987, indebtedness—

"(A) such indebtedness shall be treated as acquisition indebtedness, and

"(B) the limitation of subsection (b)(2) shall not apply.

"(2) REDUCTION IN $100,000 LIMITATION.—The limitation of subsection (b)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

"(3) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—The term 'pre-October 13, 1987, indebtedness' means—

"(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

"(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

"(4) LIMITATION ON PERIOD OF REFINANCING.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

"(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

"(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED RESIDENCE.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the term 'qualified residence' means the principal residence of the taxpayer.

"(B) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If a married couple does not file a joint return for the taxable year—

"(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

"(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

"(C) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—In the case of any pre-October 13, 1987, indebtedness, the term 'qualified residence' has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

"(2) SPECIAL RULE FOR COOPERATIVE HOUSING CORPORATIONS.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

"(3) UNENFORCEABLE SECURITY INTERESTS.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local homestead or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

"(4) SPECIAL RULES FOR ESTATES AND TRUSTS.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

"SEC. 5. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITION OF SURVIVING SPOUSE.—

"(1) IN GENERAL.—For purposes of this part, the term 'surviving spouse' means a taxpayer—

"(A) whose spouse died during either of the taxpayer's 2 taxable years immediately preceding the taxable year, and

"(B) who maintains as the taxpayer's home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

"(i) who (within the meaning of subsection (d)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

"(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

"(A) if the taxpayer has remarried at any time before the close of the taxable year, or

"(B) unless, for the taxpayer's taxable year during which the taxpayer's spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

"(3) SPECIAL RULE WHERE DECEASED SPOUSE WAS IN MISSING STATUS.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

"(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

"(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

"(b) DEFINITION OF HEAD OF HOUSEHOLD.—

"(1) IN GENERAL.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual's taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

"(A) maintains as such individual's home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, of—

"(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 2 (or would be so entitled but for subparagraph (B) or (D) of subsection (d)(5)), or

"(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

"(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) DETERMINATION OF STATUS.—For purposes of this subsection—

"(A) a legally adopted child of a person shall be considered a child of such person by blood;

"(B) an individual who is legally separated from such individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(C) a taxpayer shall be considered as not married at the close of such taxpayer's taxable year if at any time during the taxable year such taxpayer's spouse is a nonresident alien; and

"(D) a taxpayer shall be considered as married at the close of such taxpayer's taxable year if such taxpayer's spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

"(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

"(A) if at any time during the taxable year the taxpayer is a nonresident alien; or

"(B) by reason of an individual who would not be a dependent for the taxable year but for—

"(i) subparagraph (I) of subsection (d)(1), or

"(ii) paragraph (3) of subsection (d).

"(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

"(d) DEPENDENT DEFINED.—

"(1) GENERAL DEFINITION.—For purposes of this part, the term 'dependent' means any of the following individuals over one-half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under paragraph (3) or (5) as received from the taxpayer):

"(A) A son or daughter of the taxpayer, or a descendant of either.

"(B) A stepson or stepdaughter of the taxpayer.

"(C) A brother, sister, stepbrother, or stepsister of the taxpayer.

"(D) The father or mother of the taxpayer, or an ancestor of either.

"(E) A stepfather or stepmother of the taxpayer.

"(F) A son or daughter of a brother or sister of the taxpayer.

"(G) A brother or sister of the father or mother of the taxpayer.

"(H) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

"(I) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(2) RULES RELATING TO GENERAL DEFINITION.—For purposes of this section—

"(A) BROTHER; SISTER.—The terms 'brother' and 'sister' include a brother or sister by the halfblood.

"(B) CHILD.—In determining whether any of the relationships specified in paragraph (1) or subparagraph (A) of this paragraph exists, a legally adopted child of an individual (and

a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of paragraph (1)(I) with respect to such individual), shall be treated as a child of such individual by blood.

"(C) CITIZENSHIP.—The term 'dependent' does not include any individual who is not a citizen or national of the United States unless such individual is a resident of the United States or of a country contiguous to the United States. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer legally adopted by such taxpayer, if, for the taxable year of the taxpayer, the child has as such child's principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen or national of the United States.

"(D) ALIMONY, ETC.—A payment to a wife which is alimony or separate maintenance shall not be treated as a payment by the wife's husband for the support of any dependent.

"(E) UNLAWFUL ARRANGEMENTS.—An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

"(3) MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support;

"(B) over one-half of such support was received from persons each of whom, but for the fact that such person did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

"(C) the taxpayer contributed over 10 percent of such support; and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1), in the case of any individual who is—

"(A) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this subsection), and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(5) SUPPORT TEST IN CASE OF CHILD OF DIVORCED PARENTS, ETC.—

"(A) CUSTODIAL PARENT GETS EXEMPTION.—Except as otherwise provided in this paragraph, if—

"(i) a child receives over one-half of such child's support during the calendar year from such child's parents—

"(I) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(II) who are separated under a written separation agreement, or

"(III) who live apart at all times during the last 6 months of the calendar year, and

"(ii) such child is in the custody of 1 or both of such child's parents for more than one-half of the calendar year,

such child shall be treated, for purposes of paragraph (1), as receiving over one-half of such child's support during the calendar year from the parent having custody for a greater portion of the calendar year (hereafter in this paragraph referred to as the 'custodial parent').

"(B) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—A child of parents described in subparagraph (A) shall be treated as having received over one-half of such child's support during a calendar year from the noncustodial parent if—

"(i) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(ii) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this paragraph, the term 'noncustodial parent' means the parent who is not the custodial parent.

"(C) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This paragraph shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provisions of paragraph (3).

"(D) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

"(i) IN GENERAL.—A child of parents described in subparagraph (A) shall be treated as having received over one-half such child's support during a calendar year from the noncustodial parent if—

"(I) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 2 for such child, and

"(II) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this clause, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(ii) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this subparagraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(I) which is executed before January 1, 1985,

"(II) which on such date contains the provision described in clause (i)(I), and

"(III) which is not modified on or after such date in a modification which expressly provides that this subparagraph shall not apply to such decree or agreement.

"(E) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this paragraph, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"PART II—TAX ON BUSINESS ACTIVITIES

"SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

"(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

"(c) BUSINESS TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

"(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

"(d) DEDUCTIONS.—

"(1) IN GENERAL.—The deductions specified in this subsection are—

"(A) the cost of business inputs for the business activity,

"(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

"(C) the cost of personal and real property used in such activity.

"(2) BUSINESS INPUTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), the term 'cost of business inputs' means—

"(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

"(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

"(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

"(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

"(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

"(I) influencing legislation,

"(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

"(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

"(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

"(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

"(I) clause (i)(I) shall not apply, and

"(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

"(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

"(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member

which is attributable to the expenses of the activities carried on by such organization.

"(iii) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

"(iv) INFLUENCING LEGISLATION.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

"(II) LEGISLATION.—The term 'legislation' has the meaning given that term in section 4911(e)(2).

"(v) OTHER SPECIAL RULES.—

"(I) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(II) DE MINIMIS EXCEPTION.—

"(aa) IN GENERAL.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

"(bb) IN-HOUSE EXPENDITURES.—For purposes of provision (aa), the term 'in-house expenditures' means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

"(III) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

"(vi) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subparagraph, the term 'covered executive branch official' means—

"(I) the President,

"(II) the Vice President,

"(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

"(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the President as having Cabinet level status, and any immediate deputy of such an individual.

"(vii) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

"(viii) CROSS REFERENCE.—

"For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

"(e) CARRYOVER OF EXCESS DEDUCTIONS.—

"(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) such excess, plus

"(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

"(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less."

(b) CONFORMING REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(2) REDESIGNATIONS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

SEC. 3. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

SEC. 4. ADDITIONAL REPEALS.

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

SEC. 5. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act apply to taxable years beginning after December 31, 1997.

(b) REPEAL OF ESTATE AND GIFT TAXES.—The repeal made by section 3 applies to estates of decedents dying, and transfers made, after December 31, 1997.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. SHELBY, Mr. BREAUX, Mr. COVERDELL, Mr. GLENN, Mr. COCHRAN, Mr. MURKOWSKI, Mr. DEWINE, Mr. MACK, Mr. ROBB, Mr. SPECTER, Mrs. HUTCHISON, Mr. BENNETT, Mr. D'AMATO, Ms. LANDRIEU, and Mr. WARNER):

S. 594. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of qualified State tuition programs; to the Committee on Finance.

THE COLLEGE SAVINGS ACT OF 1997

Mr. MCCONNELL. Mr. President, I have come to the floor today to introduce legislation that addresses an important issue facing families today—the education of their children. For the past several years, I have worked to make college more affordable by rewarding families who save. In both the 103d and 104th Congresses, I introduced legislation—S. 1787 and S. 386 respectively—to make earnings invested in State-sponsored tuition savings plans exempt from Federal taxation.

States have recognized the needs of families and have provided incentives for them to save or prepay their children's education. State savings plans provide families, a safe, affordable and disciplined means of paying for their children's education. The College Savings Act of 1997, will provide Federal tax incentives to provide additional assistance to the efforts of the States.

According to GAO, tuition at a 4-year university rose 234 percent between 1980–94. During this same period, median household income rose 84 percent and the consumer price index rose a mere 74 percent. The College Board reports that tuition costs for the 1996–97

school year will rise 5 percent while average room and board costs will rise between 4–6 percent. While education costs have moderated throughout the 1990's, they continue to outstrip the gains in income. Tuition has now become the greatest barrier to attendance.

Due to the rising cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students accept some amount of financial assistance. In 1995, $50 billion in financial aid was available to students from Federal, State, and institutional sources. This was $3 billion higher than the previous year. A majority of this increase has come in the form of loans, which now make up the largest portion of the total Federal aid package at 57 percent. Grants, which a decade ago made up 49 percent of assistance, have been reduced to 42 percent. This shift toward loans further burdens students and families with additional interest costs.

In response to this trend, the Republican Congress and the President have developed different proposals to address the rising cost of a post-secondary education. S. 1, the Safe and Affordable Schools Act, provides incentives for families to save for their children's college education through education savings accounts and State-sponsored savings plans. For those burdened by student loans, this legislation also makes the interest paid on student loans deductible, The President has offered two tax provisions, the HOPE scholarship, which is a $1,500 tax credit and a $10,000 tax deduction for tuition expenses.

A provision in S. 1 makes the earnings in State-sponsored tuition savings plans exempt from taxation. Like the legislation I am introducing today, this provision recognizes the leadership States have taken in helping families save for college. In the mid-1980's States identified the difficulty families had in keeping pace with the rising cost of education. States like Michigan, Florida, Ohio, and Kentucky were the first programs to be started in order to help families save for college. Today, there are 15 States with programs in operation. An additional four States will implement their programs this year. According to the College Savings Network every other State, except Georgia, which has implemented the HOPE Scholarship Program, is preparing legislation or is studying a proposal to help their residents save for college.

Today there are 600,000 participants contributing over $3 billion to education savings nationwide. By year end, the College Savings Plan Network estimates that they will have 1 million participants. By 2006, they estimate that over $6 billion will be invested in State-sponsored programs.

Kentucky established its plan in 1988 to provide residents with an affordable means of saving for college. Today, 2,602 Kentucky participants have contributed over $5 million toward their childrens' education.

Many Kentuckians are drawn to this program because it offers a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $49. This proposal rewards those who are serious about their future and are committed over the long-term to the education of their children by exempting all interest earnings from State taxes. It is also important to note that 58 percent of the participants earn under $60,000 per year. Clearly, this benefits middle-class families.

Last year, Congress took the first step in providing tax relief to families investing in those programs. The provisions contained in the Small Business Job Protection Act of 1996 clarified the tax treatment of both the State-sponsored tuition savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these State-sponsored programs and helped families who are trying to save for their childrens' education.

Already, we can see the result of the tax reforms in the 104th Congress. Last year, Virginia started its plan and was overwhelmed by the positive response. In its first year, the plan sold 16,111 contracts raising $260 million. This success exceeded all goals for this program. While we made important gains last year, we need to finish what we have started and fully exempt the investment income from taxation.

The legislation I am introducing today with the support of Senator GRAHAM and others will make the savings in State pre-paid tuition plans exempt from taxation. While the measure is similar to the provision in S. 1, it is a more comprehensive proposal that has been developed in close consultation with the States. In addition to tax exemption, the bill expands the definition of qualified education expense to include room and board costs. This is important since such costs can amount to 50 percent of total college expenses.

It also allows individuals who invested in series EE savings bonds to contribute these education savings bonds to qualified State tuition programs.

This is a commonsense provision that will give those who are already saving the flexibility to invest in prepaid plan if available. It also clarifies the law to permit States to establish scholarship programs within the plan. The bill also makes several other minor changes that will help the programs to operate more efficiently, including clarification of the transition rule, permitting the transfer of benefits to cousins and stepchildren, and permitting States to include proprietary schools as eligible institutions.

This legislation is a serious effort to encourage long-term saving. It is important that we not forget that compound interest cuts both ways. By saving, participants can keep pace with tuition increases while putting a little away at a time. By borrowing, students must bear added interest costs that add thousands to the total cost of tuition.

During the election the President unveiled his education tax proposals. There are two primary provisions of the President's proposal. The first is the HOPE scholarship, which would allow a parent or student to claim a $1,500 nonrefundable tax credit for tuition expenses. The other is a $10,000 tax deduction to be applied toward tuition expenses.

The most disturbing aspect of this proposal is its cost. It is my understanding that the President's proposal, if allowed to reach its fullest potential, will exceed $80 billion over the next 10 years as estimated by Joint Tax Committee. This contrasts with the modest tax package included in S. 1, which is estimated to cost $18 billion during the same period. This can be compared with the $1.6 million cost associated with the College Savings Act I have introduced today.

The administration has been quick to point out that their tax package isn't a budget buster because of the tax credit sunset that will be implemented if the President's budget isn't in balance by 2002. According to the CBO the President's budget will run a $69 billion deficit in 2002. With such uncertainty, how does this help families plan for their childrens' future? Considering the importance of this issue, I am surprised the President is willing to allow this program to expire, shortly after it begins.

The President's proposal has also been criticized because it will also contribute to increased tuition costs. Mr. Chairman, I would ask that an editorial by Lawrence Gladieux, executive director for the College Board and Robert Reischauer, the former director of the CBO, be included with my testimony.

Mr. Gladieux and Mr. Reischauer argue that the President's credit would be money in the bank, not only for parents, but the schools as well. This across-the-board tax credit would permit schools to add this subsidy into the cost of tuition. It was also their assumption that the tax benefit would benefit primarily wealthy individuals. Therefore the President's package would be two strikes against low-income families who won't benefit from the tax credit, yet will still bear the burden of higher tuition costs.

The authors also point out the President's proposal imposes a new regulatory burden on schools by requiring

the IRS to verify that a student received a B average in order to be eligible for a second year of this tax credit. Under the President's proposal we will have the IRS grading student papers and publishing tax regulations defining B work. It is simply a mistake to use the Tax Code in this manner.

It is in our best interest as a nation to maintain a quality and affordable education system for everyone. We need to decide on how we will spend our limited Federal resources to ensure that both access and quality are maintained. It is unrealistic to assume that the Government can afford to provide Federal assistance for everyone. However, at a modest cost, we can help families help themselves by rewarding savings. This reduces the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

I urge my colleagues to support this valuable legislation this year to reward those who save in order to provide a college education for their children.

Mr. President, I ask the full text of the bill be printed in the RECORD. I also ask that the article by Larry Gladieux and Robert Reischauer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS OF TAX TREATMENT OF QUALIFIED STATE TUITION PROGRAMS.

(a) EXCLUSION OF DISTRIBUTIONS USED FOR EDUCATIONAL PURPOSES.—Subparagraph (B) of section 529(c)(3) of the Internal Revenue Code of 1986 (relating to treatment of distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—Subparagraph (A) shall not apply to any distribution to the extent—

"(i) the distribution is used exclusively to pay qualified higher education expenses of the distributee, or

"(ii) the distribution consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense."

(b) QUALIFIED HIGHER EDUCATION EXPENSES TO INCLUDE ROOM AND BOARD.—Section 529(e)(3) of the Internal Revenue Code of 1986 (defining qualified higher education expenses) is amended by adding at the end the following: "Such term shall also include reasonable costs (as determined under the qualified State tuition program) incurred by the designated beneficiary for room and board while attending such institution."

(c) ADDITIONAL MODIFICATIONS.—

(1) MEMBER OF FAMILY.—Paragraph (2) of section 529(e) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended to read as follows:

"(2) MEMBER OF FAMILY.—The term 'member of family' means—

"(A) an individual who bears a relationship to another individual which is a relationship described in paragraphs (1) through (8) of section 152(a), and

"(B) a spouse of any individual described in subparagraph (A)."

(2) ELIGIBLE EDUCATIONAL INSTITUTION.—Section 529(e) of such Code is amended—

(A) in paragraph (3), by striking "(as defined in section 135(c)(3))" and inserting "(within the meaning of paragraph (5))", and

(B) by adding at the end the following:

"(5) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means an institution—

"(A) which is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this paragraph, and

"(B) which is eligible to participate in a program under title IV of such Act."

(3) TECHNICAL AMENDMENTS.—

(A) Subparagraph (B) of section 529(e)(1) of such Code is amended by striking "subsection (c)(2)(C)" and inserting "subsection (c)(3)(C)".

(B) Subparagraph (C) of section 529(e)(1) of such Code is amended by inserting "(or agency or instrumentality thereof)" after "State or local government".

(C) Paragraph (2) of section 1806(c) of the Small Business Job Protection Act of 1996 is amended by striking so much of the first sentence as follows subparagraph (B)(ii) and inserting the following:

"then such program (as in effect on August 20, 1996) shall be treated as a qualified State tuition program with respect to contributions (and earnings allocable thereto) pursuant to contracts entered into under such program before the first date on which such program meets such requirements (determined without regard to this paragraph) and the provisions of such program (as so in effect) shall apply in lieu of section 529(b) of the Internal Revenue Code of 1986 with respect to such contributions and earnings."

(d) COORDINATION WITH EDUCATION SAVINGS BOND.—Section 135(c)(2) of the Internal Revenue Code of 1986 (defining qualified higher education expenses) is amended by adding at the end the following:

"(C) CONTRIBUTIONS TO QUALIFIED STATE TUITION PROGRAM.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529) on behalf of a designated beneficiary (as so defined) who is an individual described in subparagraph (A)."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1996.

(2) ADDITIONAL MODIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by, and the provisions of, section 1806 of the Small Business Job Protection Act of 1996.

[From the Washington Post, Sept. 4, 1996]

HIGHER TUITION, MORE GRADE INFLATION

(By Lawrence E. Gladieux and Robert D. Reischauer)

More than any president since Lyndon Johnson, Bill Clinton has linked his presidency to strengthening and broadening American education. He has argued persuasively that the nation needs to increase its investment in education to spur economic growth, expand opportunity and reduce growing income disparities. He has certainly earned the right to try to make education work for him as an issue in his reelection campaign, and that's clearly what he plans to do.

Unfortunately, one way the president has chosen to pursue his goals for education is by competing with the GOP on tax cuts. The centerpiece of his education agenda—tax breaks for families paying college tuition—would be bad tax policy and worse education policy. While tuition tax relief may be wildly popular with voters and leave Republicans speechless, it won't achieve the president's worthy objectives for education, won't help those most in need and will create more problems than it solves.

Under the president's plan, families could choose to deduct up to $10,000 in tuition from their taxable income or take a tax credit (a direct offset against federal income tax) of $1,500 for the first year of undergraduate education or training. The credit would be available for a second year if the student maintains a B average.

The vast majority of taxpayers who incur tuition expenses—joint filers with incomes up to $100,000 and single filers up to $70,000—would be eligible for these tax breaks. But before the nation invests the $43 billion that the administration says this plan will cost over the next six years, the public should demand that policy makers answer these questions:

Will tuition tax credits and deductions boost postsecondary enrollment? Not significantly. Most of the benefits would go to families of students who would have attended college anyway. For them, it will be a windfall. That won't lift the country's net investment in education or widen opportunities for higher education. For families who don't have quite enough to send their child to college, the tax relief may come too late to make a difference. While those families could adjust their payroll withholding, most won't. Thus any relief would be realized in year-end tax refunds, long after families needed the money to pay the tuition.

Will they help moderate- and low-income students who have the most difficulty meeting tuition costs? A tax deduction would be of no use to those without taxable income. On the other hand, the proposed $1,500 tax credit—because it would be "refundable"—would benefit even students and families that owe no taxes. But nearly 4 million low-income students would largely be excluded from the tax credit because they receive Pell Grants which, under the Clinton plan, would be subtracted from their tax-credit eligibility.

Will the plan lead to greater federal intrusion into higher education? The Internal Revenue Service would have to certify the amount of tuition students actually paid, the size of their Pell Grants and whether they maintained B averages. This could impose complex regulatory burdens on universities and further complicate the tax code. It's no wonder the Treasury Department has long resisted proposals for tuition tax breaks.

Will the program encourage still higher tuition levels and more grade inflation? While the tuition spiral may be moderating slightly, college price increases have averaged more than twice the rate of inflation during the 1990s. With the vast majority of students receiving tax relief, colleges might have less incentive to hold down their tuition increases. Grades, which have been rising almost as rapidly as tuition, might get an extra boost too if professors hesitate to deny their students the B needed to renew the tax credit.

If more than $40 billion in new resources really can be found to expand access to higher education, is this the best way to invest it? A far better alternative to tuition tax schemes is need-based student financial aid.

The existing aid programs, imperfect as they may be, are a much more effective way to equalize educational opportunity and increase enrollment rates. More than $40 billion could go a long way toward restoring the purchasing power of Pell Grants and other proven programs, whose benefits inflation has eroded by as much as 50 percent during the past 15 years. Unlike tuition tax cuts, expanded need-based aid would not drag the IRS into the process of delivering educational benefits. Need-based aid also is less likely to increase inflationary pressure on college prices, because such aid goes to only a portion of the college-going population.

Economists have long argued that the tax code shouldn't be used if the same objective can be met through a direct-expenditure program. Tax incentives for college savings might make sense; parents seem to need more encouragement to put money away for their children's education. But tax relief for current tuition expenditures fails the test.

Maybe Clinton's tuition tax-relief plan, like the Republican across-the-board tax-cut proposals, can be chalked up to election-year pandering that will be forgotten after November. But oft-repeated campaign themes sometimes make it into the policy stream. That was the case in 1992, when candidate Clinton promised student-loan reform and community service that, as president, he turned into constructive initiatives. If reelected, Clinton again may stick with his campaign mantra. This time, it's tuition tax breaks. This time, he shouldn't.

Mr. MCCONNELL. Mr. President, it does not take an economics professor to figure out that compound interest can either work for or against you. I would think that my colleagues would agree that middle-class Americans deserve to have their hard-earned dollars working for them instead of against them. The College Savings Act allows hard-working Americans to utilize this principle while saving for the college education of their children.

Option 1 illustrates the average cost of using the Federal loan program to finance the average instate college tuition in the United States which is $10,540. Under the Federal loan program, middle-class Americans end up paying $120 per month after graduation to retire just the cost of higher education tuition and fees, not to mention room and boarding costs.

These payments will continue for 120 months, or 10 years after receiving a diploma. Students end up repaying $14,400 on these loans. This means that they will end up paying $3,860 in interest to finance a college education. That is figured at a 6.5-percent interest rate.

Option 2, on the other hand, figures in the same amount of tuition cost, $10,540, but that is where the similarities end. Under the College Savings Act, monthly deposits are half as expensive as loan payments under Federal loan programs. Your monthly deposit over the 120-month, or 10-year period under our legislation would only be $58.

Mr. President, this is possible because under the College Savings Act total payments are only $6,960. This is simply because you have compound interest of 6.5 percent working in your favor, instead of against you, to the tune of $3,580. That totals a whopping difference of $7,440 from Federal loan programs. That is almost half the cost of financing an education through Federal loans.

Mr. GRAHAM. Mr. President, I wish to speak this afternoon about an initiative which has been designed to increase American's access to college education. Today, Senator MCCONNELL and I, along with numerous cosponsors, are introducing the College Savings Act of 1997. This bill would clarify the tax treatment of State-sponsored prepaid college tuition and savings programs and would clarify them in a manner that will allow States flexibility to offer their citizens plans to pay for college on a tax-free basis.

Why are we discussing these programs? We are discussing these State programs because they have flourished in the face of spiraling college costs. As shown on this chart, which was produced by the General Accounting Office, tuition at colleges and universities has increased 234 percent since 1980. During the same period, the general rate of inflation has increased only 85 percent and household income has increased only 82 percent. There has been a growing gap between the cost of higher education, in terms of tuition, and the ability of families to support their children's desire to continue their education beyond high school.

Higher education inflation has been almost triple the rate of general inflation and the increase in Americans' ability to pay for that higher education. The causes of this dramatic increase in tuition is the subject of a significant debate. But whether these increases are attributable to increased costs of colleges and universities, reduction in State funding for public institutions, or the increased value of a college education, the fact remains that affording a college education has become increasingly difficult for American families.

Although the Federal Government has increased its aid to college students over the years, it is the States that have engineered innovative ways to help citizens afford college.

One of the most innovative of those measures has been the prepaid college tuition plan. The first of these plans was adopted in Michigan in 1986. Since that first program was adopted, today 15 States have such prepaid college plans, and an additional 4 States have adopted plans which will be in effect by 1998.

The States shown in green are those which currently offer plans. The four States shown in yellow will initiate their plans this year. All of the remaining States shown in red are currently considering legislation to establish a prepaid college tuition plan. From these State laboratories, two types of programs have emerged: prepaid tuition programs and savings programs.

Under either of these two, a family pays money into a State fund. In future years, the funds which have been accumulating will be distributed to the college or university of the child's choice and the child's ability to secure admission under the academic standards of that institution.

The State pools the funds from all participants, invests those funds in a manner that will match or exceed the rate of higher education inflation.

Under a prepaid tuition plan, the State and the individual family enter into an advanced tuition payment contract naming a student as the beneficiary of the contract. The amount the family must pay depends on the number of years remaining before the student enrolls in college. In most States, purchasers can choose a lump-sum payment or installment payments. Twelve States currently follow this tuition model. Let me explain with an example.

Today, if a Florida child is 7 years old and his family enrolls him in the Florida prepaid tuition plan, they can enter into a contract and pay a lump sum of $5,900. Then in the year 2008, when the child reaches the age of 18 and enrolls in college, the State will transfer the cost of tuition for 120 credit hours of instruction which has a currently estimated value of $14,350 to the college or university the student chooses to attend.

Under a State savings plan, individuals transfer money to a State trust which, in turn, invests the funds and guarantees a certain rate of return. Typically, the earnings on the account are exempt from State taxation. Three States follow the State savings fund model.

One of the attributes of these programs is that just as States establish institutions of higher education to meet the educational needs of their States' citizens, each State program differs in its emphasis. As an example, the Alaska plan allows individuals to direct a portion of the State oil revenues to pay for their contracts. In Alabama, money can be used to take accredited college courses while a student is still attending high school. The Massachusetts plan allows nonresidents to enroll in its plan. Louisiana provides matching grants for certain low-income participants in its plan.

The tax problem that lies before us today, Mr. President, is whether or not the student should be taxed when the student redeems the funds upon enrollment. Until 1996, the Federal tax treatment of these plans remained murky. In the spring of 1996, the Internal Revenue Service indicated its intent to tax families annually on the earnings of funds transferred to these State plans.

I thought this was wrong, counterproductive and would discourage what

has been a very positive commitment of American families to save for their children's college education. So I worked with Senators MCCONNELL, BREAUX, SHELBY, and the leaders of the Senate Finance Committee to address the issue in the Small Business Job Protection Act of 1996. Provisions we developed were included in the bill that President Clinton ultimately signed into law.

The four basic provisions in the 1996 reform were, first, any prepaid or savings entity established by the State is tax exempt. Two, the earnings on money transferred to these State programs are not taxed until distribution. Three, upon distribution, the appreciation on the contracts or accounts will be taxed to the student beneficiary over the time the student attends college. And fourth, these tax rules apply only to contracts and accounts used to fund the cost of tuition, fees, books, and required equipment.

Mr. President, despite the fact I offered the proposal in the Finance Committee, I have always thought that the right answer was that participation in these programs should be 100 percent tax free. In other words, no taxation upon distribution unless the funds were used for purposes other than qualified educational purposes.

The legislation that Senator MCCONNELL and I are introducing today will amend section 529 of the Tax Code in two significant respects. First, the bill provides that if distributions from a State fund are used for qualified educational purposes, then there will be no taxation to the student. In other words, there would be no Federal income tax for participation in these State-sponsored programs.

Second, the bill would expand the definition of qualified higher education expenses. Last year's legislation provided that tuition, books, fees and required equipment were tax exempt. Under the new proposal, we would also include the cost of room and board as qualified educational expenses.

The bill also makes a number of technical and other changes to assure that States have sufficient flexibility to manage their successful programs. There are several policy-related questions in enacting this legislation, and I will turn to them in a minute. But before doing so, I would like to offer an example of the positive influence of these programs from my State of Florida.

I would like, Mr. President, to introduce to you Sean and Patrick Gilliland who are in the gallery today. Sean and Patrick Gilliland are respectively a senior and junior at the University of Florida. In 1988, the first year the prepaid program was offered to Floridians, Mr. and Mrs. Gilliland purchased prepaid contracts for Sean and Patrick. Two years after purchasing the plan, Mr. Gilliland tragically died, unexpectedly leaving Mrs. Gilliland, Sean and Patrick with a single income.

Mrs. Gilliland is a nurse. As a result of the change of income, she attests that without the foresight of having purchased a Florida prepaid college program for her two sons, she would not have been able to provide a college education for Sean and Patrick.

Sean will graduate in 2 weeks from the University of Florida, majoring in business administration with an emphasis in Asian studies. Sean has applied for several overseas positions in Japan, Taiwan, and Korea, with hopes to enter the field of technology in the business world.

Patrick is currently a junior at the University of Florida, the School of Health and Human Performance, majoring in exercise and sports science. He is a member of Golden Key National Honor Society. He also holds a dean's list grade point average. Patrick is looking forward to continuing his education in a graduate program to prepare him for a profession in cardiological rehabilitation. I wish to both of them the very best in their future endeavors.

Sean and Patrick Gilliland exemplify the reasons that we need to encourage the expansion of these State-based prepaid college tuition programs. Let me outline several of the policy reasons why it is appropriate and urgent that Congress enact the legislation that we introduce today to clarify the Federal tax treatment of these programs.

First, Congress needs to support State innovation. Here is an example of a national problem: how to deal with the escalating cost of higher education. The States have provided the energy to address that problem. During the late 1980's and early 1990's, with the Federal Government responding to spiraling college costs in an inadequate manner, States experimented and engineered these programs. The Federal Government should encourage the States by getting the Internal Revenue Service out of the way.

Second, State plans increase college enrollment, especially among low- and moderate-income families. Experience demonstrates that the discipline and the security offered by these prepaid tuition plans provide the exact incentive that many families need to save for college.

For example, in Florida, the median income of families with a college student is $50,000. This chart indicates, in "Who goes to college in Florida," that 22 percent of the families who have children in our State college and university system have incomes of less than $30,000; 26 percent between $30,000 and $50,000.

On the question, "Who buys contracts for Florida's prepaid college tuition program," we find that 8 percent are purchased by families with incomes of under $20,000; 17 percent by families between $20,000 and $30,000; and 23 percent by families between $30,000 and $40,000; and 24 percent by families between $40,000 and $50,000. So almost three-quarters of those families who purchase contracts have an income which is at or below the median income of all students attending Florida's colleges and universities.

This program is providing a powerful incentive for moderate- and low-income Florida families to think about and prepare for their children's education.

Third, State plans help prepare students psychologically. A family that regularly sets aside money for a child's college education converts the focus of their student child from, "Will I be able to go to college," to "Will I be sufficiently prepared to be admitted to college and which college do I wish to attend?"

Fourth, savings is a far superior approach to financing higher education than incurring additional individual and family debt. A prepayment or a savings plan is better economically, both for the family and for the Nation. These programs can also boost the Nation's savings rate.

For example, Virginia's program has just completed its inaugural enrollment. It signed contracts of over $200 million for Virginia families saving for their children's college education.

Finally, an expansion of programs will promote downward pressure on tuition rates. Increased participation in State tuition programs not only will provide participants with a guaranteed hedge against education inflation, but it will also produce downward pressure on tuition rates for all students at all colleges. States sponsoring these programs, in essence, guarantee that if earnings on the funds do not exceed increases in tuition rates, then the State will fund the difference when the student enrolls in college. Thus, a State has an incentive to encourage cost efficiency throughout its State system. The pressure will also promote moderate tuition hikes at private schools which must compete with public colleges for students. This has been true in Florida.

Since the inauguration of the Florida prepaid program in 1988, State tuition has risen by an average of 6 percent per year. That is 2 percent less than the national average of 8 percent a year.

You may say, Mr. President, that, well, 2 percent difference between a particular State's average annual rate of increase in tuition and what is the national average is not a significant amount. Let me put this in dollar terms.

In 1988, the average tuition in the Nation was $1,827. In Florida, it was $1,163. That is a difference of $664.

By last year, with the average annual increase of 8 percent, the national average for tuition at State universities

had grown from $1,827 to $3,358. Florida's tuition increasing at 6 percent per year had gone from $1,163 to $1,888. That, Mr. President, is a difference of $1,470 per year between the cost of college education in Florida and the average for the Nation.

I am not saying that Florida's tuition increases have been less than the national average solely because of the Florida prepaid program, but it has been a significant factor.

We need to do everything we can to hold college costs in check. The expansion of these programs can make a noticeable contribution in that effort. And clarifying the tax consequences of participation will help to facilitate additional States beyond the current 19 who have or will have these programs and increase the number of participating families.

Mr. President, I would like to particularly thank Senator MCCONNELL for the leadership which he has displayed in making the College Savings Act of 1997 a reality.

With enactment of this legislation, parents and children will be able to rest easier knowing that Congress has done the right thing by making a college education more accessible. I urge my colleagues in the Senate to join Senator MCCONNELL and me to assure enactment of this important new opportunity for American families to save and plan for the college education of their children.

Mr. WARNER. Mr. President, Virginians appreciate the value of education. The Commonwealth owes its economic success to a strong university system and an educated workforce. This commitment to education continues to fuel economic expansion, job growth, and rising incomes.

Middle-class parents across the country recognize that education is the key to their childrens' success. But they often struggle to provide this education, as college tuition increases far outpace increases in personal income. Tuition savings programs help provide a solution.

Virginia was the first State in the union to launch its program after the Small Business Protection Act was signed into law last August. This legislation builds on that success, by making investment earnings in qualifying State tuition plans entirely tax exempt and by expanding coverage. This bill will encourage more families to save more money for higher education.

Virginia's prepaid tuition program is an overwhelming success. During the first 3-month enrollment period, over 16,000 children were enrolled in VPEP. The value of these contract total over $260 million, ranking Virginia fourth in the Nation among States with prepaid education programs. The Virginia Higher Education Tuition Trust Fund received over 85,000 telephone calls from around the State seeking information about the program. I want to commend Governor Allen for his leadership, as well as Diana Cantor, executive director of the trust fund, and her team for their tremendous efforts.

As Virginians recognize by their overwhelming support of the state's plan, education is a critical component of future success. I am pleased to cosponsor this important legislation and I commend Virginia for taking the lead.

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 595. A bill to designate the U.S. post office building located at Bennett Street and Kansas Expressway in Springfield, MO, as the "John Griesemer Post Office Building"; to the Committee on Governmental Affairs.

THE JOHN GRIESEMER POST OFFICE BUILDING DESIGNATION ACT OF 1997

Mr. BOND. Mr. President, I rise to introduce a bill to designate the U.S. post office building located at Bennett Street and Kansas Expressway in Springfield, MO as the "John Griesemer Post Office Building."

John Griesemer was a true example of an American patriot. He loved, supported, and defended his country.

John Griesemer was born in Mount Vernon, MO, and raised on a dairy farm in Billings, MO. After he graduated from high-school, he attended the University of Missouri—Columbia and in 1953 graduated with a bachelor of science degree in civil engineering. He then entered the Air Force as a first lieutenant, engineering officer. After being discharged from the military in 1956, he went back home to Missouri to work in the family business. He was president and director of the Griesemer Stone Co. until his death in 1993. John Griesemer didn't just work for the family business though. He also started two of his own businesses: the Joplin Stone Co. and Missouri Commercial Transportation Co. as well as serving as president of Springfield Ready Mix, director of Boatmen's National Bank, and president of the Springfield Development Council. In addition to his business interests, John Griesemer was a devoted family man. He and his wife, Kathleen, had five children and John took an avid interest in their lives holding various positions with the Boy Scouts of America and his church.

In 1984, John made his life even busier. He was asked by President Reagan to serve on the U.S. Postal Service Board of Governors. He even served as president of the board in 1987 and 1988.

John Griesemer is an example to us all. He possessed the qualities of perseverance, determination, and strength that allowed him to successfully manage a busy work and service schedule with a very busy family life.

I urge my colleagues to act quickly and pass this bill by unanimous consent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN GRIESEMER POST OFFICE BUILDING.

The United States Post Office building located at Bennett Street and Kansas Expressway in Springfield, Missouri, shall be known and designated as the "John Griesemer Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "John Griesemer Post Office Building".

By Mr. KOHL (for himself and Mr. COCHRAN):

S. 596. A bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to make grants to States and units of local government to assist in providing secure facilities for violent and serious chronic juvenile offenders, and for other purposes; to the Committee on the Judiciary.

JUVENILE CORRECTIONS ACT OF 1997

Mr. KOHL. Mr. President, I rise to introduce the Juvenile Corrections Act of 1997, which I am proud to sponsor with my friend and colleague, Senator COCHRAN. The act dedicates approximately 10 percent of the 1994 Crime Act's adult prison resources to the construction and operation of State and local juvenile corrections facilities.

Juvenile violence, as we all know, is at the heart of the crime problem in America. Every 5 minutes a child is arrested for a violent crime in the United States; every 2 hours a child dies of a gunshot wound. Unfortunately, there is good reason to believe that this problem may get worse before it gets better. Demographics tell us that between now and the year 2000, the number of children between the ages of 14 to 7 will increase by more than 1 million. The likely result: a serious increase in the number of violent juvenile offenders in the coming years—above already unacceptable levels.

Despite this state of affairs, the Federal Government has treated juvenile corrections as the poor stepchild of the Federal anticrime effort. The 1994 Crime Act contained billions of dollars for policing and adult prisons at the State and local level, but no significant program to help States alleviate the increasing burdens on their juvenile corrections systems.

These burdens are real and substantial, Mr. President. Department of Justice surveys have indicated that many

juvenile corrections facilities nationwide are seriously overcrowded and understaffed—in short, bursting at the seams. As a result of the increasing number of 14 to 17 year olds we highlighted above, we will probably see even worse overcrowding in the future.

Mr. President, the consequences of overcrowding should trouble us all. In part due to the combination of overcrowding and understaffing, juvenile offenders attacked detention facility staff 8,000 times in 1993. In countless U.S. cities, juvenile offenders who require detention are nonetheless released into the community because of a lack of space. And finally, it is clear that overcrowding breeds violence and ever more violent juvenile offenders who, when eventually released, are much more dangerous to society than when they were first institutionalized.

For all these reasons, we introduce today the Juvenile Corrections Act. Our legislation provides crucial assistance—over $790 million in funding over 3 years—to State and local governments for the construction, expansion, and operation of juvenile corrections facilities and programs. And, I should note, the Act has no impact on the deficit, as it draws its funding from the $10 billion adult corrections component of the 1994 Crime Act.

Mr. President, we cannot afford to turn a blind eye to the juvenile corrections problem. So I hope my colleagues will join with me and Senator COCHRAN to enact the Juvenile Corrections Act. In light of the spiraling juvenile violence problem, we believe it makes good sense to dedicate roughly 10 percent of the Crime Act's adult prison resources to State and local juvenile corrections.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Corrections Act of 1997".

SEC. 2. GRANTS FOR FACILITIES FOR VIOLENT AND SERIOUS CHRONIC JUVENILE OFFENDERS.

(a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice;

(2) the term "combination" has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603);

(3) the term "juvenile delinquency program" has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603);

(4) the term "qualifying State" means a State that has submitted, or a State in which an eligible unit of local government has submitted, a grant application that meets the requirements of subsections (c) and (e);

(5) the terms "secure detention facility" and "secure correctional facility" have the same meanings as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603);

(6) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

(7) the term "unit of local government" has the same meaning as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603).

(b) AUTHORIZATION OF GRANTS.—The Administrator may make grants to States and units of local government, or combinations thereof, to assist them in planning, establishing, and operating secure detention facilities, secure correctional facilities, and other facilities and programs for violent juveniles and serious chronic juvenile offenders who are accused of or who have been adjudicated as having committed one or more offenses.

(c) APPLICATIONS.—

(1) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this section shall submit to the Administrator an application, in such form and in such manner as the Administrator may prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) provide assurances that each facility or program funded with a grant under this section will provide appropriate educational and vocational training and substance abuse treatment for juvenile offenders; and

(B) provide assurances that each facility or program funded with a grant under this section will afford juvenile offenders intensive post-release supervision and services.

(d) MINIMUM AMOUNT.—Of the total amount made available under subsection (g) to carry out this section in any fiscal year—

(1) except as provided in paragraph (2), each qualifying State, together with units of local government within the State, shall be allocated not less than 1.0 percent; and

(2) the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.2 percent.

(e) PERFORMANCE EVALUATION.—

(1) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Each facility or program funded with a grant under this section shall contain an evaluation component developed pursuant to guidelines established by the Administrator.

(B) OUTCOME MEASURES.—Each evaluation required by this subsection shall include outcome measures that can be used to determine the effectiveness of each program funded with grant under this section, including the effectiveness of the program in comparison with other juvenile delinquency programs in reducing the incidence of recidivism, and other outcome measures.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Administrator shall review the performance of each recipient of a grant under this section.

(B) REPORTS.—The Administrator may require a grant recipient to submit to the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice the results of the evaluations required under paragraph (1) and such other data and information as may be reasonably necessary to carry out the Administrator's responsibilities under this section.

(f) TECHNICAL ASSISTANCE AND TRAINING.—The Administrator shall provide technical assistance and training to each recipient of a grant under this section to assist those recipients in achieving the purposes of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $252,700,000 for fiscal year 1998;

(2) $266,000,000 for fiscal year 1999; and

(3) $275,310,000 for fiscal year 2000.

SEC. 3. COMPENSATING REDUCTION OF AUTHORIZATION OF APPROPRIATIONS.

Section 20108(a)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(1)) is amended by striking subparagraphs (C) through (E) and inserting the following:

"(C) $2,274,300,000 for fiscal year 1998;

"(D) $2,394,000,000 for fiscal year 1999; and

"(E) $2,477,790,000 for fiscal year 2000.".

SEC. 4. REPORT ON ACCOUNTABILITY AND PERFORMANCE MEASURES IN JUVENILE CORRECTIONS PROGRAMS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall, after consultation with the National Institute of Justice and other appropriate governmental and nongovernmental organizations, submit to Congress a report regarding the possible use of performance-based criteria in evaluating and improving the effectiveness of juvenile delinquency programs.

(b) CONTENTS.—The report required under this section shall include an analysis of—

(1) the range of performance-based measures that might be utilized as evaluation criteria, including measures of recidivism among juveniles who have been incarcerated in a secure correctional facility or a secure detention facility, or who have participated in a juvenile delinquency program;

(2) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a facility or program);

(3) whether, and to what extent, the data necessary for the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to utilize performance-based criteria in its administration of juvenile delinquency programs are collected and reported nationally; and

(4) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating secure correctional facilities, secure detention facilities, and juvenile delinquency programs and in administering amounts appropriated for Federal juvenile delinquency programs.

By Mr. BINGAMAN (for himself, Mr. CRAIG, Mr. HOLLINGS, Mr. REID, Mr. AKAKA, Mr. COCHRAN, Mr. DORGAN, Mr. INOUYE, Mrs. BOXER, Ms. SNOWE, Mr. TORRICELLI, and Mr. MACK):

S. 597. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals; to the Committee on Finance.

THE MEDICAL NUTRITION THERAPY ACT OF 1997

Mr. BINGAMAN. Mr. President, I rise today to introduce the Medical Nutrition Therapy Act of 1997 on behalf of myself, my friend and colleague from Idaho, Senator CRAIG, and a bipartisan group of additional Senators.

This bipartisan measure provides for coverage under part B of the Medicare Program for medical nutrition therapy services by a registered dietitian. Medical nutrition therapy is generally defined as the assessment of patient nutritional status followed by therapy, ranging from diet modification to administration of specialized nutrition therapies such as intravenous or tube feedings. It has proven to be a medically necessary and cost-effective way of treating and controlling many disease entities such as diabetes, renal disease, cardiovascular disease, and severe burns.

Currently, there is no consistent part B coverage policy for medical nutrition and this legislation will bring needed uniformity to the delivery of this important care, as well as save taxpayer money. Coverage for medical nutrition therapy can save money by reducing hospital admissions, shortening hospitals stays, decreasing the number of complications, and reducing the need for physician followup visits.

The treatment of patients with diabetes and cardiovascular disease account for a full 60 percent of Medicare expenditures. I want to use diabetes as an example for the need for this legislation. There are very few families who are not touched by diabetes. The burden of diabetes is disproportionately high among ethnic minorities in the Unites States. According to the American Journal of Epidemiology, mortality due to diabetes is higher nationwide among blacks than whites. It is higher among American Indians than among any other ethnic group.

In my State of New Mexico, native Americans are experiencing an epidemic of type II diabetes. Medical nutrition therapy is integral to their diabetes care. In fact, information from the Indian Health Service shows that medical nutrition therapy provided by professional dietitians results in significant improvements in medical outcomes in people with type II diabetes. For example, complications of diabetes such as end stage renal failure that leads to dialysis can be prevented with adequate intervention. Currently, the number of dialysis patients in the Navajo population is doubling every 5 years. Mr. President, we must place our dollars in the effective, preventive treatment of medical nutrition therapy rather than face the grim reality of having to continue to build new dialysis units.

Ensuring the solvency of the Medicare part A trust fund is one of the most difficult challenges and one that calls for creative, effective solutions. Coverage for medical nutrition therapy is one important way to help address that challenge. It is exactly the type of cost-effective care we should encourage. It will satisfy two of our most important priorities in Medicare: Providing program savings while maintaining a high level of quality care.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Medical Nutrition Therapy Act of 1997".

SEC. 2. MEDICARE COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraphs (N) and (O); and

(2) by inserting after subparagraph (O) the following:

"(P) medical nutrition therapy services (as defined in subsection (oo)(1));".

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

"(oo)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

"(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

"(A) holds a baccalaureate or higher degree granted by a regional accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organizations recognized by the Secretary for the purpose;

"(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

"(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed; or

"(ii) in the case of an individual in a State which does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

"(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who as of the date of the enactment of this subsection is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.".

(c) PAYMENT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 13951(a)(1)) is amended—

(1) by striking "and" before "(P)"; and

(2) by inserting before the semicolon at the end the following: ", and (Q) with respect to medical nutrition therapy services (as defined in section 1861(oo)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1998.

Mr. CRAIG. Mr. President, this morning, I stand to introduce with my colleague from New Mexico, JEFF BINGAMAN, legislation that will be called the Medical Nutrition Therapy Act of 1997. I think we have all heard of the old adage that "an ounce of prevention is worth a pound of cure." That is very true in the legislation that we are proposing today, along with our colleagues from the House.

Simply stated, medical nutrition therapy involves the assessment of the nutritional status of patients with a condition, illness, or injury that puts them at nutritional risk. Once a problem is identified, a registered dietitian can work with the patient to develop a personal therapy or treatment. Almost 17 million Americans each year, mostly the elderly, are treated for chronic illnesses or injuries that place them at risk of malnutrition. But because of medical nutrition therapy, in many instances, this can be resolved. The only problem today is that these preventive measures are not covered by Medicare.

Our legislation would simply provide coverage under Medicare part B for medical nutrition therapy services furnished by registered dietitians and nutrition professionals. This is necessary so that the elderly are not denied effective low-technology treatment of their needs. I had the privilege of touring several hospitals in Idaho where medical nutrition therapy is now being used, and the results are dramatic.

As we begin to closely examine our Medicare system, we must focus on the modernization of a 30-year-old health insurance system for the elderly. We need to make sure that it is truly modern, not only in its payment, its application, its style, but in the broad array of health care services that it responds to. Today, many private health insurance programs recognize medical nutrition therapy. Now, it is time that Medicare did.

I hope my colleagues will join with Senator BINGAMAN and myself, as we introduce the Medical Nutrition Therapy Act. It is important that we begin to recognize these services and provide coverage under Medicare part B.

I yield the floor.

By Mr. DOMENICI:

S. 598. A bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court; to the Committee on the Judiciary.

THE DISCLOSURE OF COURT APPOINTED ATTORNEYS' FEES AND TAXPAYER RIGHT TO KNOW ACT

Mr. DOMENICI. Mr. President, I rise today to introduce the Disclosure of Court Appointed Attorneys' Fees and Taxpayer Right to Know Act of 1997.

Mr. President, what would you say if I told you that from the beginning of fiscal year 1996 through January 1997, $472,841 was paid to a lawyer to defend a person accused of a crime so heinous that the U.S. attorney in the Northern District of New York is pursuing the death penalty? Who paid for this lawyer—the American taxpayer.

What would you say if I told you that $470,968 was paid to a lawyer to defend a person accused of a crime so reprehensible that, there too, the U.S. attorney in the Southern District of Florida is also pursuing the death penalty? Who paid for this lawyer—the American taxpayer.

What would you say if I told you that during the same period, for the same purpose, $443,683 was paid to another attorney to defend a person accused of a crime so villainous that the U.S. attorney in the Northern District of New York is pursuing the death penalty. Who paid for this lawyer? The American taxpayer.

Now, Mr. President, what would you say if I told you that some of these cases have been ongoing for 3 or more years and that total fees in some instances will be more than $1 million in an individual case? That's a million dollars to pay criminal lawyers to defend people accused of the most vicious types of murders often which are of the greatest interest to the communities in which they were committed.

At minimum, Mr. President, this Senator would say that we are spending a great deal of money on criminal defense lawyers and the American taxpayer ought to have timely access to the information that will tell them who is spending their money, and how it is being spent. That is why today I am introducing the Disclosure of Court Appointed Attorneys' Fees and Taxpayer Right to Know Act of 1997.

Under current law, the maximum amount payable for representation before the U.S. magistrate or the district court, or both, is limited to $3,500 for each lawyer in a case in which one or more felonies are charged and $125 per hour per lawyer in death penalty cases. Many Senators might ask, if that is so, why are these exorbitant amounts being paid in the particular cases you mention? I say to my colleagues the reason this happens is because under current law the maximum amounts established by statute may be waived whenever the judge certifies that the amount of the excess payment is necessary to provide "fair compensation" and the payment is approved by the chief judge on the circuit. In addition, whatever is considered fair compensation at the $125 per hour per lawyer rate may also be approved at the judge's discretion.

Mr. President, the American taxpayer has a legitimate interest in knowing what is being provided as fair compensation to defend individuals charged with these dastardly crimes in our Federal court system. Especially when certain persons the American taxpayer is paying for mock the American justice system. A recent Nightline episode reported that one of the people the American taxpayer is shelling out their hard-earned money to defend urinated in open court, in front of the judge, to demonstrate his feelings about the judge and the American judicial system.

I want to be very clear about what exactly my bill would accomplish. The question of whether these enormous fees should be paid for these criminal lawyers is not, I repeat, is not a focus of my bill.

In keeping with my strongly held belief that the American taxpayer has a legitimate interest in having timely access to this information, my bill simply requires that at the time the court approved the payments for these services, that the payments be publicly disclosed. Many Senators are probably saying right now that this sounds like a very reasonable request, and I think it is, but the problem is that oftentimes these payments are not disclosed until long after the trial has been completed, and in some cases they may not be disclosed at all if the file remains sealed by the judge. How much criminal defense lawyers are being paid should not be a secret. There is a way in which we can protect the alleged criminal's sixth amendment rights and still honor the American taxpayer's right to know. Mr. President, that is what my bill does.

Current law basically leaves the question of when and whether court appointed attorneys' fees should be disclosed at the discretion of the judge in which the particular case is being tried. My bill would take some of that discretion away and require that disclosure occur once the payment has been approved.

My bill continues to protect the defendant's sixth amendment right to effective assistance of counsel, the defendant's attorney-client privilege, the work-product immunity of defendant's counsel, the safety of any witness, and any other interest that justice may require by providing notice to defense counsel that this information will be released, and allowing defense counsel, or the court on its own, to redact any information contained on the payment voucher that might compromise any of the aforementioned interests. That means that the criminal lawyer can ask the judge to take his big black marker and black out any information that might compromise these precious sixth amendment rights, or the judge can make this decision on his own. In any case, the judge will let the criminal lawyer know that this information will be released and the criminal lawyer will have the opportunity to request the judge black out any compromising information from the payment voucher.

How would this occur? Under current law, criminal lawyers must fill out Criminal Justice Act payment vouchers in order to receive payment for services rendered. Mr. President, two payment vouchers are the standard vouchers used in the typical felony and death penalty cases prosecuted in the Federal district courts. Mr. President, the information of these payment vouchers describes in barebones fashion the nature of the work performed and the amount that is paid for each category of service.

Mr. President, I ask unanimous consent that these two vouchers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The vouchers are not reproducible in the RECORD.]

Mr. DOMENICI. Mr. President, my bill says that once the judge approves these payment vouchers that they be publicly disclosed. That means that anyone can walk down to the Federal district court where the case is being tried and ask the clerk of the court for copies of the relevant CJA payment vouchers. It's that simple. Nothing more. Nothing less.

Before the court releases this information it will provide notice to defense counsel that the information will be released, and either the criminal lawyer, or the judge on his/her own, may black out any of the barebones information on the payment voucher that might compromise the alleged criminals' precious sixth amendment rights.

Mr. President, I believe that my bill is a modest step toward assuring that the American taxpayer have timely access to this information. In addition to these CJA payment vouchers, criminal lawyers must also supply the court with detailed time sheets that recount with extreme particularity the nature of work performed. These detailed time sheets break down the work performed by the criminal lawyer to the minute. They name each and every person that was interviewed, each and every phone call that was made, the subjects that were discussed, and the days and the times they took place. They go into intimate detail about what was done to prepare briefs, conduct investigations, and prepare for trial.

I am not asking that that information be made available for, indeed, it might prejudice the way the trial goes to the detriment of the defendant. Clearly, if all of this information was subject to public disclosure, the alleged

criminal's sixth amendment rights might be compromised. My bill does not seek to make this sensitive information subject to disclosure but continues to leave it to the judge to determine if and when it should be released. But the barebones must be released. We must know the amounts, and it must be made available as the dollars vouchers are paid by the Federal district court using taxpayers' moneys which are appropriated to them by us.

In this way, my bill recognizes and preserves the delicate balance between the American taxpayers' right to know how their money is being spent, and the alleged criminal's right to a fair trial.

So we need to recognize and preserve the balance between the American taxpayers' right to know and how much is being spent on these attorneys and the alleged criminal's right to have a fair trial.

I believe we should take every reasonable step to protect any disclosure that might compromise the alleged criminal's sixth amendment rights. My bill does this by providing notice to defense counsel of the release of the information, and providing the judge with the authority to black out any of the barebones information contained on the payment voucher if it might compromise any of the aforementioned interests. I believe it is reasonable and fair, and I hope I will have my colleagues support.

Mr. President, I ask unanimous consent that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be appropriately referred to the committee.

By Mrs. BOXER (for herself and Mr. LAUTENBERG):

S. 599. A bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes; to the Committee on Environment and Public Works.

THE CHILDREN'S ENVIRONMENTAL PROTECTION ACT OF 1997

Mrs. BOXER. Mr. President, today I introduce the Children's Environmental Protection Act [CEPA]. This legislation will help protect our children from the harmful effects of environmental pollutants. The Children's Environmental Protection Act will do three things:

First, it will require that all EPA standards be set at levels that protect children, and other vulnerable groups, including the elderly, pregnant women, people with serious health problems, and others.

Second, it will create a list of EPA-recommended safer-for-children products and chemicals that minimize potential risks to children. Within 1 year, only these products could be used at Federal facilities. CEPA will also require the EPA to create a family right-to-know information kit that includes practical suggestions on how parents may reduce their children's exposure to environmental pollutants.

For example, newborns and infants frequently spend long periods of time on the floor, carpet, or grass, surfaces that are associated with chemicals such as formaldehyde and volatile organic compounds from synthetic carpets and indoor and outdoor pesticide applications. EPA might suggest safer-for-children carpeting, floor cleaning products, and garden pesticides.

Finally, the bill will require EPA to conduct research on the health effects of exposure of children to environmental pollutants.

Our children face unique environmental threats to their health because they are more vulnerable to exposure to toxic chemicals than adults. We must educate ourselves about environmental pollutants, and we must improve our scientific understanding about how exposure might affect our children's health.

We took an important step in this direction when the Safe Drinking Water Act was passed last year. The new law includes two amendments I supported and worked to enact. The first requires that safe drinking water standards be set at levels that protect children, the elderly, pregnant women, and other vulnerable groups. The second requires that the public receive information in the form of Consumer Confidence Reports about the quality and safety of their drinking water.

The Children's Environmental Protection Act [CEPA] will carry the concept of my Safe Drinking Water Act amendments even further.

Children are not just little adults. According to the National Academy of Sciences, they are more vulnerable than adults. They eat more food, drink more water, and breathe more air as a percentage of their body weight than adults, and as a consequence, they are more exposed to the chemicals present in food, water, and air. Children are also growing and developing and may therefore be physiologically more susceptible than adults to the hazards associated with exposures to chemicals.

We have clear evidence that environmental pollution has a direct impact on children's health. Air pollution is linked to the 40-percent increase in the incidence of childhood asthma and the 118 percent increase asthma deaths among children and young people since 1980. Asthma now affects over 4.2 million children under the age of 18 nationwide and is the leading cause of hospital admissions for children. The incidence of some types of childhood cancer has risen significantly over the past 15 years. For example, acute lymphocytic leukemia is up 10 percent and brain tumors are up more than 30 percent.

Children may face developmental risks from the potential effects of exposure to pesticides and industrial chemicals on their endocrine systems.

Exposure to environmental pollutants is suspected of being responsible for the increase in learning disabilities and attention deficit disorders among children.

What are we doing in response to this evidence? Not enough. We know that up to one-half of a person's lifetime cancer risk may be incurred in the first 6 years of life, yet most of our Federal health and safety standards are not set at levels that are protective of children.

I am very pleased with the Environmental Protection Agency's recent creation of a new Office of Children's Health Protection in the Office of the Administrator, and a new EPA Board on Children's Environmental Health.

We need Federal legislation in order to secure the EPA's administrative efforts and give EPA support and direction.

Yesterday, I received a letter from EPA Administrator Carol Browner expressing support for the goals of my bill. I ask unanimous consent that the letter be inserted in the RECORD at this point, and I also ask unanimous consent that the text of the Children's Environmental Protection Act and a section-by-section analysis be printed in the RECORD as well.

I am very honored and pleased that Representative JIM MORAN has decided to introduce the Children's Environmental Protection Act in the House. I look forward to working with him to get this bill enacted.

Finally, Mr. President, I am pleased to have the Senator from New Jersey, Senator LAUTENBERG, as an original cosponsor of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Environmental Protection Act".

SEC. 2. ENVIRONMENTAL PROTECTION FOR CHILDREN.

The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"TITLE V—ENVIRONMENTAL PROTECTION FOR CHILDREN

"SEC. 501. FINDINGS AND POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) public health and safety depends on citizens and local officials knowing the toxic dangers that exist in their homes, communities, and neighborhoods;

"(2) children and other vulnerable subpopulations are more at risk from environmental pollutants than adults and therefore face unique health threats that need special attention;

"(3) risk assessments of pesticides and other environmental pollutants conducted

by the Environmental Protection Agency do not clearly differentiate between the risks to children and the risks to adults;

"(4) a study conducted by the National Academy of Sciences on the effects of pesticides in the diets of infants and children concluded that approaches to risk assessment typically do not consider risks to children and, as a result, current standards and tolerances often fail to adequately protect infants and children;

"(5) data are lacking that would allow adequate quantification and evaluation of child-specific and other vulnerable subpopulation-specific susceptibility and exposure to environmental pollutants;

"(6) data are lacking that would allow adequate quantification and evaluation of child- specific and other vulnerable subpopulation-specific bioaccumulation of environmental pollutants; and

"(7) the absence of data precludes effective government regulation of environmental pollutants, and denies individuals the ability to exercise a right to know and make informed decisions to protect their families.

"(b) POLICY.—It is the policy of the United States that—

"(1) all environmental and public health standards set by the Environmental Protection Agency must, with an adequate margin of safety, protect children and other vulnerable subpopulations that are at greater risk from exposure to environmental pollutants;

"(2) information, including a safer-for-children product list, should be made readily available by the Environmental Protection Agency to the general public and relevant Federal and State agencies to advance the public's right-to-know, and allow the public to avoid unnecessary and involuntary exposure;

"(3) not later than 1 year after the safer-for-children list is created, only listed products or chemicals that minimize potential health risks to children shall be used in Federal properties and areas; and

"(4) scientific research opportunities should be identified by the Environmental Protection Agency, the Department of Health and Human Services (including the National Institute of Environmental Health Sciences and the Agency for Toxic Substances and Disease Registry), the National Institutes of Health, and other Federal agencies, to study the short-term and long-term health effects of cumulative, simultaneous, and synergistic exposures of children and other vulnerable subpopulations to environmental pollutants.

"SEC. 502. DEFINITIONS.

"In this title:

"(1) AREAS THAT ARE REASONABLY ACCESSIBLE TO CHILDREN.—The term 'areas that are reasonably accessible to children' means homes, schools, day care centers, shopping malls, movie theaters, and parks.

"(2) CHILDREN.—The term 'children' means individuals who are 18 years of age or younger.

"(3) ENVIRONMENTAL POLLUTANT.—The term 'environmental pollutant' means a hazardous substance, as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601), or a pesticide, as defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

"(4) FEDERAL PROPERTIES AND AREAS.—The term 'Federal properties and areas' means areas owned or controlled by the United States.

"(5) VULNERABLE SUBPOPULATIONS.—The term 'vulnerable subpopulations' means children, pregnant women, the elderly, individuals with a history of serious illness, and other subpopulations identified by the Administrator as likely to experience elevated health risks from environmental pollutants.

"SEC. 503. SAFEGUARDING CHILDREN AND OTHER VULNERABLE SUBPOPULATIONS.

"(a) IN GENERAL.—The Administrator shall—

"(1) consistently and explicitly evaluate and consider environmental health risks to vulnerable subpopulations in all of the risk assessments, risk characterizations, environmental and public health standards, and regulatory decisions carried out by the Administrator;

"(2) ensure that all Environmental Protection Agency standards protect children and other vulnerable subpopulations with an adequate margin of safety; and

"(3) develop and use a separate assessment or finding of risks to vulnerable subpopulations or publish in the Federal Register an explanation of why the separate assessment or finding is not used.

"(b) REEVALUATION OF CURRENT PUBLIC HEALTH AND ENVIRONMENTAL STANDARDS.—

"(1) IN GENERAL.—As part of any risk assessment, risk characterization, environmental or public health standard or regulation, or general regulatory decision carried out by the Administrator, the Administrator shall evaluate and consider the environmental health risks to children and other vulnerable subpopulations.

"(2) IMPLEMENTATION.—In carrying out paragraph (1), not later than 1 year after the date of enactment of this title, the Administrator shall—

"(A) develop an administrative strategy and an administrative process for reviewing standards;

"(B) publish in the Federal Register a list of standards that may need revision to ensure the protection of children and vulnerable subpopulations;

"(C) prioritize the list according to the standards that are most important for expedited review to protect children and vulnerable subpopulations;

"(D) identify which standards on the list will require additional research in order to be reevaluated and outline the time and resources required to carry out the research; and

"(E) identify, through public input and peer review, not fewer than 20 public health and environmental standards of the Environmental Protection Agency to be repromulgated on an expedited basis to meet the criteria of this subsection.

"(3) REVISED STANDARDS.—Not later than 6 years after the date of enactment of this title, the Administrator shall propose not fewer than 20 revised standards that meet the criteria of this subsection.

"(4) COMPLETED REVISION OF STANDARDS.—Not later than 15 years after the date of enactment of this title, the Administrator shall complete the revision of all standards in accordance with this subsection.

"(5) REPORT.—The Administrator shall report to Congress on an annual basis on progress made by the Administrator in carrying out the objectives and policy of this subsection.

"SEC. 504. SAFER ENVIRONMENT FOR CHILDREN.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall—

"(1) identify environmental pollutants commonly used or found in areas that are reasonably accessible to children;

"(2) create a scientifically peer reviewed list of substances identified under paragraph (1) with known, likely, or suspected health risks to children;

"(3) create a scientifically peer reviewed list of safer-for-children substances and products recommended by the Administrator for use in areas that are reasonably accessible to children that, when applied as recommended by the manufacturer, will minimize potential risks to children from exposure to environmental pollutants;

"(4) establish guidelines to help reduce and eliminate exposure of children to environmental pollutants in areas reasonably accessible to children, including advice on how to establish an integrated pest management program;

"(5) create a family right-to-know information kit that includes a summary of helpful information and guidance to families, such as the information created under paragraph (3), the guidelines established under paragraph (4), information on the potential health effects of environmental pollutants, practical suggestions on how parents may reduce their children's exposure to environmental pollutants, and other relevant information, as determined by the Administrator in cooperation with the Centers for Disease Control;

"(6) make all information created pursuant to this subsection available to Federal and State agencies, the public, and on the Internet; and

"(7) review and update the lists created under paragraphs (2) and (3) at least once each year.

"(b) COMPLIANCE IN PUBLIC AREAS THAT ARE REASONABLY ACCESSIBLE TO CHILDREN.—Not later than 1 year after the list created under subsection (a)(3) is made available to the public, the Administrator shall prohibit the use of any product that has been excluded from the safer-for-children list in Federal properties and areas.

"SEC. 505. RESEARCH TO IMPROVE INFORMATION ON EFFECTS ON CHILDREN.

"(a) TOXICITY DATA.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of pesticides (including active and inert ingredients) and other environmental pollutants on children and other vulnerable subpopulations.

"(b) BIENNIAL REPORTS.—The Administrator, the Secretary of Agriculture, and the Secretary of Health and Human Services shall submit biennial reports to Congress on actions taken to carry out this section.

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title.".

CHILDREN'S ENVIRONMENTAL PROTECTION ACT OF 1997—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.

The short title of the bill shall be the Children's Environmental Protection Act of 1997.

Section 2. Findings/Policy/Definitions

Amends the Toxic Substances Control Act by adding a new Title V—"Environmental Protection for Children."

Section 501. Findings and Policy

Findings—

(1) Public health and safety depend on citizens being aware of toxic dangers in their homes, communities, and neighborhoods.

(2) Children and other vulnerable groups face health threats that are not adequately met by current standards.

(3) More scientific knowledge is needed about the extent to which children are exposed to environmental pollutants and the health effects of such exposure.

Policy—

(1) All standards for environmental pollutants set by the EPA should be set at levels that protect children's health with an adequate margin of safety.

(2) In order to help the public avoid unnecessary and involuntary exposure to environmental pollutants, the EPA should develop a list of "safer-for-children" products. Only products on this list should be used on federal properties.

(3) EPA and other agencies should conduct more research, both basic and applied, on the short and long term health effects of exposure to environmental pollutants.

Section 502. Definitions

(1) "Areas that are reasonably accessible to children" means homes, schools, day care centers, shopping malls, movie theaters and parks.

(2) "Children" means children ages 0–18.

(3) "Environmental pollutant" means a toxic as defined in Section 101 of the Superfund law or a pesticide as defined in the Federal Insecticide, Fungicide and Rodenticide Act.

(4) "Federal properties and areas" means areas controlled or owned by the U.S.

(5) "Vulnerable subpopulation" means children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulation identified by the EPA as likely to experience elevated health risks from environmental pollutants.

Section 503. Safeguarding children and other vulnerable subpopulations

Directs the EPA to consider environmental health risks to children and other vulnerable subpopulations throughout the standard setting process. Requires EPA to set health standards at levels that ensure the protection of children and other vulnerable subpopulations with an adequate margin of safety.

Requires EPA to develop a list of no fewer than 20 public health standards that need expedited reevaluation in order to protect children. Within 6 years, EPA must propose the revised standards. EPA must complete revision of all existing standards within 15 years, and must issue a progress report to Congress every year.

Section 504. Safer Environment for Children

Requires EPA, within 1 year after enactment of CEPA, to—

(1) identify environmental pollutants commonly used in areas reasonably accessible to children;

(2) identify pollutants that are known to be or suspected of being health risks to children;

(3) make public a list of "safer-for-children" products that minimize potential risks to children from exposure to environmental pollutants; EPA must update the list annually;

(4) establish guidelines to help reduce exposure of children to environmental pollutants, including how to establish an integrated pest management program;

(5) create a family right-to-know information kit that includes information on the potential health effects of exposure to environmental pollutants and practical suggestions on how parents may reduce their children's exposure.

Within one year after enactment, only products on the "safer-for-children" list may be used on federal properties.

Section 505. Research to Improve Information on Effects on Children

Requires EPA to work with other federal agencies to coordinate and support the development and implementation of basic and applied research initiatives to examine the health effects and toxicity of environmental pollutants on children and other vulnerable subpopulations. Requires biennial reports to Congress.

Section 506. Authorization of Appropriations

Authorizes appropriation of "such funds as may be necessary" in order to carry out the purposes of the legislation.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 15, 1997.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to thank you for your leadership to help protect our children from environmental risks and to congratulate you for the introduction of your Children's Environmental Protection Act. As you know, protecting the health of our children and expanding the public's right to know about harmful pollutants in our communities are top priorities for this Administration.

Recently I established the Office of Children's Health Protection to expand and better coordinate our activities to protect children. This office will review health standards to ensure they are protective for children and increase our family right to know activities to expand access to vital information about children's environmental health.

I look forward to working with you in the future to help protect children from environmental health threats in their homes, schools and communities.

Sincerely,

CAROL M. BROWNER.

By Mrs. FEINSTEIN (for herself and Mr. GRASSLEY):

S. 600. A bill to protect the privacy of the individual with respect to the social security number and other personal information, and for other purposes; to the Committee on Finance.

THE PERSONAL INFORMATION PRIVACY ACT OF 1997

Mrs. FEINSTEIN. Mr. President, today, along with my distinguished colleague, Senator CHARLES GRASSLEY, I am introducing the Personal Information Privacy Act of 1997. This legislation limits the accessibility and unauthorized commercial use of social security numbers, unlisted telephone numbers, and certain other types of sensitive personal information.

In November, the news media reported that companies were distributing social security numbers along with other private information in their online personal locator or look-up services.

In fact, I found that my own social security number was accessible to users of the Internet. My staff retrieved it in less than 3 minutes. I have the printout in my files.

Some of the larger and more visible companies have now discontinued the practice of displaying social security numbers directly on the computer screens of Internet users. Other enterprises have failed to modify their practices. One problem thwarting efforts to protect our citizens' privacy is that there are thousands of information providers on the Internet and elsewhere in the electronic arena—it is impossible to get a comprehensive picture of who is doing what, and where.

But one fact is clear, distributing social security numbers on the Internet is only the tip of the iceberg.

Too many firms profit from renting and selling social security numbers, unlisted telephone numbers, and other forms of sensitive personal information. List compilers and list brokers use records of consumer purchases and other transactions—including medical purchases—along with financial, demographic, and other data to create increasingly detailed profiles of individuals.

The growth of interactive communications has generated an explosive growth in information about our interests, our activities, and our illnesses—about the personal choices we make when we order products, inquire about services, participate in workshops, and visit sites on the Net.

A Newsday article titled "Your Life as an Open Book" recently reported that an individual's call to a toll free number to learn the daily pollen count resulted in a disclosure to a pharmaceutical company that the caller was likely to have an interest in pollen remedies.

It is true that knowledge about personal interests, circumstances, and activities can help companies tailor their products to individual needs and target their marketing efforts. But there need to be limitations.

Prior to the widespread use of computers, individual records were stored on paper in Government file cabinets at scattered locations around the country. These records were difficult to obtain. Now, with networked computers, multiple sets of records can be merged or matched with one another, creating highly detailed portraits of our interests, our allergies, food preferences, musical tastes, levels of wealth, gender, ethnicity, homes, and neighborhoods. These records can be disseminated around the world in seconds.

What is the result? In addition to receiving floods of unwanted mail solicitations, people are losing control over their own identities. We don't know where this information is going, or how it is being used. We don't know how much is out there, and who is getting it. Our private lives are becoming commodities with tremendous value in the marketplace, yet we, the owners of the information, often do not derive the benefits. Information about us can be used to our detriment.

As an example, the widespread availability of Social Security numbers and other personal information has led to an exponential growth in identity theft, whereby criminals are able to assume the identities of others to gain access to charge accounts and bank accounts, to obtain the personal records of others, and to steal Government benefits.

In 1992, Joe Gutierrez, a retired Air Force chief master sergeant in California became a victim of identity theft when a man used his Social Security number to open 20 fraudulent accounts. To this day, Mr. Gutierrez has been hounded by creditors and their collection agencies. "It is pure hell," he said in an interview with the San Diego Union Tribune. "They have called me a cheat, a deadbeat, a bum. They have questioned my character, my integrity, and my upbringing."

As an additional problem, the unauthorized distribution of personal information can lead to public safety concerns, including stalking of battered spouses, celebrities, and other citizens.

There are very few laws to protect personal privacy in the United States. The Privacy Act of 1974 is limited, and applies only to the use of personal information by the Government.

With minor exceptions, the collection and use of personal information by the private sector is virtually unregulated. In other words, private companies have nearly unlimited authority to compile and sell information about individuals. As technology becomes more sophisticated, the ability to collect, synthesize and distribute personal information is growing exponentially.

The Personal Information Privacy Act of 1997 will help cut off the dissemination of Social Security numbers, unlisted telephone numbers, and other personal information at the source.

First, the bill amends the Fair Credit Reporting Act to ensure the confidentiality of personal information in the credit headers accompanying credit reports. Credit headers contain personal identification information which serves to link individuals to their credit reports.

Currently, credit bureaus routinely sell and rent credit header information to mailing list brokers and marketing companies. This is not the use for which this information was intended.

The bill we are introducing today would prevent credit bureaus from disseminating Social Security numbers, unlisted telephone numbers, dates of birth, past addresses, and mothers' maiden names. This is important because this kind of information is subject to serious abuse—to open fraudulent charge accounts, to manipulate bank accounts, and to gain access to the personal records of others.

An exception is provided for information that citizens have chosen to list in their local phone directories. This means that phone numbers and addresses may be released if they already are available in phone directories.

As a second means of limiting the circulation of Social Security numbers, the bill restricts the dissemination of Social Security numbers by State departments of motor vehicles. Specifically, the bill amends certain exemptions to the Driver's Protection Act of 1994.

The legislation would prohibit State departments of motor vehicles from disseminating Social Security numbers for bulk distribution for surveys, marketing, or solicitations.

The bill requires uses of Social Security numbers by State Departments of Motor Vehicles to be consistent with the uses authorized by the Social Security Act and by other statutes explicitly authorizing their use.

In addition to the above measures which will limit the accessibility of Social Security numbers, the Personal Information Privacy Act of 1997 penalizes the unauthorized commercial use of Social Security numbers.

Specifically, the bill amends the Social Security Act to prohibit the commercial use of a Social Security number in the absence of the owner's written consent. Exceptions are provided for uses authorized by the Social Security Act, the Privacy Act of 1974, and other statutes specifically authorizing such use.

I believe this bill represents a major step in protecting the privacy of our citizens, and I urge my colleagues to support it. I ask unanimous consent that the text of the bill be included in the RECORD following our remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Information Privacy Act of 1997".

SEC. 2. CONFIDENTIAL TREATMENT OF CREDIT HEADER INFORMATION.

Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended by inserting after the first sentence the following: "The term also includes any other identifying information of the consumer, except the name, address, and telephone number of the consumer if listed in a residential telephone directory available in the locality of the consumer.".

SEC. 3. PROTECTING PRIVACY BY PROHIBITING USE OF THE SOCIAL SECURITY NUMBER FOR COMMERCIAL PURPOSES WITHOUT CONSENT.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY ACCOUNT NUMBER

"SEC. 1146. (a) PROHIBITION OF COMMERCIAL ACQUISITION OR DISTRIBUTION.—No person may buy, sell, offer for sale, take or give in exchange, or pledge or give in pledge any information for the purpose, in whole or in part, of conveying by means of such information any individual's social security account number, or any derivative of such number, without the written consent of such individual.

"(b) PROHIBITION OF USE AS PERSONAL IDENTIFICATION NUMBER.—No person may utilize any individual's social security account number, or any derivative of such number, for purposes of identification of such individual without the written consent of such individual.

"(c) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (a) or (b), the person engaged in, or seeking to engage in, an activity described in such subsection shall—

"(1) inform the individual of all the purposes for which the number will be utilized and the persons to whom the number will be known; and

"(2) obtain affirmatively expressed consent in writing.

"(d) EXCEPTIONS.—Nothing in this section shall be construed to prohibit any use of social security account numbers permitted or required under section 205(c)(2) of this Act, section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), or section 6109(d) of the Internal Revenue Code of 1986.

"(e) CIVIL ACTION IN UNITED STATES DISTRICT COURT; DAMAGES; ATTORNEYS FEES AND COSTS; NONEXCLUSIVE NATURE OF REMEDY.—

"(1) IN GENERAL.—Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

"(A) such preliminary and equitable relief as the court determines to be appropriate; and

"(B) the greater of—

"(i) actual damages; and

"(ii) liquidated damages of $25,000 or, in the case of a violation that was willful and resulted in profit or monetary gain, $50,000.

"(2) ATTORNEY'S FEES AND COSTS.—In the case of a civil action brought under paragraph (1) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

"(3) STATUTE OF LIMITATIONS.—No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

"(4) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

"(f) CIVIL MONEY PENALTIES.—

"(1) IN GENERAL.—Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

"(A) a civil money penalty of not more than $25,000 for each such violation, and

"(B) a civil money penalty of not more than $500,000, if violations have occurred with such frequency as to constitute a general business practice.

"(2) DETERMINATION OF VIOLATIONS.—Any violation committed contemporaneously with respect to the social security account numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

"(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

"(g) REGULATION BY STATES.—Nothing in this section shall be construed to prohibit any State authority from enacting or enforcing laws consistent with this section for the protection of privacy.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to violations occurring on and after the date which is 2 years after the date of enactment of this Act.

SEC. 4. RESTRICTION ON USE OF SOCIAL SECURITY NUMBERS BY STATE DEPARTMENTS OF MOTOR VEHICLES.

(a) RESTRICTION ON GOVERNMENTAL USE.—Section 2721(b)(1) of title 18, United States Code, is amended by striking "its functions." and inserting "its functions, but in the case of social security numbers, only to the extent permitted or required under section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note, 88 Stat. 1909), section 6109(d) of the Internal Revenue Code of 1986, or any other provision of law specifically identifying such use.".

(b) PROHIBITION OF USE BY MARKETING COMPANIES.—Section 2721(b)(12) of title 18, United States Code, is amended by striking "For" and inserting "Except in the case of social security numbers, for".

Mr. GRASSLEY. Mr. President, I rise today to join my colleague, Mrs. FEINSTEIN, in introducing important legislation. This legislation, the Personal Information Privacy Act of 1997, is a solid first step toward keeping our personal information from being misused.

In this amazing time of technology explosion, new challenges face our society. New technology makes information more readily available for many uses. This information helps the college student write a better term paper, it helps businesses function more effectively, and it helps professionals to stay better informed of developments in their fields. The technology that provides this ready access to infinite information also helps friends and families communicate across continents, increases the feasibility of working from a home office, and provides many other advantages.

However, with these advantages come added risk. Dissemination of information is generally good, but dissemination of all information is not good. Technology can help people with bad intentions find their victims. It can also give people access to personal information that we would rather they not have. With minimal information and a few keystrokes, virtually anyone could have your lifetime credit history and personal wages downloaded to their computer. For this reason, it is important that we work to make sure some personal information stays out of the hands of people we have never met, whose intentions we don't know.

One of the most important functions of lawmaking is to make sure that law keeps up with society, and in this case, technology. The bill that Senator FEINSTEIN and I are introducing today is a solid first step. I will soon be introducing additional legislation affecting the Internet because I believe it is important that we talk about issues related to new technologies; that we exchange ideas. And at the end of the day, we must preserve the confidentiality of personal information and the safety of individuals.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 75

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 356

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. REED], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid Programs.

S. 361

At the request of Mr. JEFFORDS, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 361, a bill to amend the Endangered Species Act of 1973 to prohibit the sale, import, and export of products labeled as containing endangered species, and for other purposes.

S. 369

At the request of Mr. JEFFORDS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain Medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 460

At the request of Mr. BOND, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 497

At the request of Mr. COVERDELL, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wyoming [Mr. ENZI], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mr. MACK], the Senator from Nebraska [Mr. HAGEL], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the acts that require employees to pay union dues or fees as a condition of employment.

S. 526

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. SMITH of Oregon] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

At the request of Mr. BENNETT, his name was withdrawn as a cosponsor of S. 526, supra.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Ohio [Mr. DEWINE], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Washington [Mr. GORTON] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 540

At the request of Mr. BIDEN, the names of the Senator from California [Mrs. BOXER] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 540, a bill to amend title

XVIII of the Social Security Act to provide annual screening mammography and waive coinsurance for screening mammography for women age 65 or older under the Medicare Program.

S. 543

At the request of Mr. COVERDELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 544

At the request of Mr. COVERDELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 544, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 556

At the request of Mr. INHOFE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 556, a bill to provide for the allocation of funds from the Mass Transit Account of the Highway Trust Fund, and for other purposes.

S. 579

At the request of Mr. ASHCROFT, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. HAGEL], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 579, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the old-age, survivors, and disability insurance taxes paid by employees and self-employed individuals, and for other purposes.

SENATE JOINT RESOLUTION 15

At the request of Mr. BYRD, the names of the Senator from Mississippi [Mr. LOTT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kentucky [Mr. FORD], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Senate Joint Resolution 15, a joint resolution proposing an amendment to the Constitution of the United States to clarify the intent of the Constitution to neither prohibit nor require public school prayer.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. HAGEL, his name was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

SENATE RESOLUTION 69

At the request of Mr. MCCAIN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 69, a resolution expressing the sense of the Senate regarding the March 30, 1997, terrorist grenade attack in Cambodia.

SENATE CONCURRENT RESOLUTION 21—CONGRATULATING THE RESIDENTS OF JERUSALEM

By Mr. MOYNIHAN (for himself, Mr. MACK, Mr. DASCHLE, Mr. LOTT, Mr. LIEBERMAN, Mr. HELMS, Mr. D'AMATO, Mr. KYL, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. ROBB, Mr. SANTORUM, Mr. SESSIONS, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMPSON, Mr. TORRICELLI, Mr. WARNER and Mr. WYDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 21

Whereas for 3,000 years Jerusalem has been Judaism's holiest city and the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by members of other religious faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840s;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the thirtieth year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, "must remain an undivided city" and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having "helped our neighbors reach the negotiating table" to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45) which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;

(3) calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the state of Israel; and

(4) urges United States officials to refrain from any actions that contradict United States law on this subject.

• Mr. MOYNIHAN. Mr. President, I submit a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of their historic capital. I am joined in this effort by my distinguished colleague from Florida [Mr. MACK] as well as by 68 other Senators.

Next week, Jews around the world will conclude their Passover Seders with one of mankind's shortest and oldest prayers: "Next year in Jerusalem." Throughout the centuries Jews kept this pledge, often sacrificing their very lives to travel to, and live in, their holiest city. The Jewish people's attachment to Jerusalem is as ancient as it is fervent.

That Jerusalem is, and should remain, Israel's undivided capital would seem an unremarkable statement, but for the insidious campaign—begun in the 1970's—to delegitimize Israel by denying her ties to Jerusalem. For too long, the United States acquiesced in this shameful lie by refusing to locate our Embassy in Israel's capital city. As long as Israel's most important friend in the world refused to acknowledge that Israel's capital city is its own, we lent credibility and dangerous strength to the lie that Israel is somehow a misbegotten, an illegitimate, or transient state.

On November 8, 1995, the Jerusalem Embassy Act became the law of the United States. The law states, as a matter of United States Government policy, that Jerusalem should be recognized as the capital of the State of Israel, and should remain an undivided city in which the rights of every ethnic and religious group are protected.

The concurrent resolution I submit today continues in this spirit, and in the spirit of the many previous resolutions I have authored on this subject. In 1990, I introduced Senate Concurrent Resolution 106, which stated simply: "Jerusalem is and should remain the capital of the State of Israel." In 1993, in a message to the American-Israel Friendship League, Prime Minister Yitzhak Rabin wrote:

In 1990, Senator Moynihan sponsored Senate Resolution 106, which recognized Jerusalem as Israel's united Capital, never to be divided again, and called upon Israel and the Palestinians to undertake negotiations to resolve their differences. The resolution, which passed both Houses of Congress, expressed the sentiments of the United States toward Israel, and, I believe, helped our neighbors reach the negotiating table.

The Israeli-Palestinian peace process faces difficult challenges at this time. It is my hope that this clear reiteration of U.S. policy on Jerusalem will help insure that Jerusalem will remain a city at peace and bring closer the day when it will once again become a symbol of peace for all humanity.●

● Mr. MACK. Madam President, I am submitting a concurrent resolution today to congratulate the people of Israel and commemorate the 30-year unity of Jerusalem. Jerusalem must remain an undivided city. As a unified city of Israel for the past 30 years, Jerusalem has protected the rights of every ethnic and religious group. This must continue.

In spite of all that the Congress has done, recent news continues to make reference to Israeli settlements in Jerusalem. Jewish communities and neighborhoods in Jerusalem are not settlements. There is only one Jerusalem, and only one Israel. Jerusalem is an indivisible part of Israel. Israel's friends in Congress understand this. This concurrent resolution is an expression of this support.●

AMENDMENTS SUBMITTED

THE HIGHER EDUCATION ACT OF 1965 TECHNICAL CORRECTIONS ACT OF 1997

JEFFORDS (AND DOMENICI) AMENDMENT NO. 46

Mr. FRIST (for Mr. JEFFORDS, for himself and Mr. DOMENICI) proposed an amendment to the bill (H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; as follows:

At the end, add the following:

SEC. 2. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 3. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 4. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 5. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Non-Credit Programs." The hearing will be held on April 24, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey or Liz Taylor at 224–5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, April 24, 1997, at 9:30 a.m. to hold a hearing to consider revisions to title 44.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, April 30, 1997, at 9:30 a.m. to hold a hearing to consider revisions to title 44.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Finance Programs." The hearing will be held on May 1, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HUTCHINSON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 16, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 16, 1997, at 3 p.m. to hold a briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 16, 1997, at 10 a.m., for a hearing on the subject of Census 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 16, 1997, at 2 p.m. for a hearing on the Government's role in television programming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary hold a hearing on Wednesday, April 16, 1997, at 10 a.m. in room 216 of the Senate Hart Building, on Senate Joint Resolution 6, a proposed constitutional amendment for crime victims.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Reauthorization of Higher Education Act, during the session of the Senate on Wednesday, April 16, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 16, 1997, at

2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, April 16, 1997, at 10 a.m. in open session, to receive testimony on tactical aircraft modernization programs in review of S. 450, the National Defense Authorization Act for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 16, 1997, at 2 p.m. on research and development funding trends.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent on behalf of the Subcommittee on Youth Violence, to meet on Wednesday, April 16, 1997, at 2 p.m., in room 226, Senate Dirksen Building, on "Fixing a Broken System: The need for more juvenile bedspace and juvenile record-sharing."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE FIFTIETH ANNIVERSARY OF THE TEXAS CITY DISASTER

• Mrs. HUTCHISON. Mr. President, I want to share the memory of an important event in Texas history with my colleagues. Fifty years ago today the worst industrial accident in the history of America occurred in Texas City, TX. This morning I was in Texas City for a "rebirth" celebration the city is hosting.

It was a clear and cool spring morning on April 16, 1947, one described by author Elizabeth Lee Wheaton as "a day when just to be alive felt good." A steady northern wind blew over the Texas City harbor when the freight ship S.S. *Grandcamp* caught fire.

Curious schoolchildren and other onlookers marveled at the orange plume of smoke that curled as it rose from the ship. As firefighters worked feverishly to extinguish the flames, this ship loaded down with ammonium nitrate exploded. It was 9:22 a.m. Within moments the ferocious blast had killed 26 firefighters, scores of schoolchildren, ruined all the city's fire fighting equipment, and demolished the dock area. The explosion incinerated ships and businesses. The ship's cargo and dock equipment became missiles and were hurled into businesses, houses, and public buildings.

The explosion was so powerful that it registered on a seismograph as far away as Denver. One thousand homes and buildings throughout the city endured partial or total destruction. An eyewitness described the scene as follows: "For 1,200 feet around the location of the ship, metal shards weighing from one pound to five tons crashed down, creating geysers of water in the ship channel and landing on nearby buildings, killing or injuring the employees inside. Nearly all of the people who were on the wharf, including port officials, volunteer firefighters, and many ship's crew, disappeared, many never to be found."

It was not over yet. The S.S. *High Flyer* was in dock for repairs and also carried the volatile ammonium nitrate. The first explosion ignited the chemicals on the *High Flyer* and although emergency workers moved the ship away from the docks, it exploded just hours later. This explosion took the lives of many rescue workers who were pulling bodies from the wreckage.

In all, nearly 600 people were lost. Thousands more were injured, many severely. There were many heroes there as well. These were the thousands of individuals including those from the Red Cross, other volunteer organizations, and citizens who put out the fires, comforted the casualties while operating temporary hospitals, morgues, and shelters. Help came in from all over Texas and from many areas throughout the country.

I was almost 4 years old, riding my tricycle down Larcum Lane in La Marque when the S.S. *Grandcamp* blew in Texas City, just a couple of miles from my home. I still remember my fear as if it happened yesterday.

Little did I know then that one of the most horrific tragedies in American peacetime history had just occurred; all I knew was that the ground shook, my heart beat double-time, and I had to get home.

Approaching my front yard, I found my mom outside screaming my name. She was terrified upon hearing the explosion, feeling the house shake and the windows rattle, and not knowing where I was.

The happy ending is that we found each other. No one in the Bailey family of La Marque, TX, was injured in the blast. Such was not so for many others, however. Many of my friends grew up without fathers, fathers who had been victims of that blast.

A newspaper headline published 1 year after the tragic explosions announced that "Texas City * * * Rises Phoenix-like From the Abyss of Disaster." The mass tragedy that killed one in 50 citizens and injured 1 in 8, tested the unconquerable spirit of the surviving citizens. Remember the legend of the Phoenix; which consumed with its own fire, raised itself from the ashes as a synbol of immortality.

These resilient people of Texas City rose from the ashes that surrounded them. Through the anguish and heartbreak of such loss, they struggled and shared each others sorrow, refusing to let the dreams die. Immediately city leaders tried to restore life to normal—following the disaster, Sunday church services continued uninterrupted and within the following week the civic clubs met as usual.

As I look at this great city 50 years later, I see the qualities that have earned it honors as an all American city. The survivors and their children possess the spirit that has rebuilt one of our Nation's great industrial complexes. The city's renaissance is in full force. I was so proud to see that Readers Digest just included Texas City in their list of 1997's top 50 places in America to raise a family.

Truly that perfect spring day that became so dark, brought us together as never before. The beauty and strength of the human spirit endured and I can feel is just as evident today. That spiritual strength in retrospect has changed us all for the better.

I ask that my colleagues help me in remembering this disaster and praying that the victims' families, and those who survived the blast, have found peace in the years since.•

YANTIC FIRE ENGINE COMPANY CELEBRATION

• Mr. DODD. Mr. President, I rise today to pay tribute to the Yantic Fire Engine Company, located in my home State of Connecticut. It serves the largest territorial district in Norwich. This year, the Yantic Fire Engine Company celebrates its 150th anniversary. Perhaps the oldest volunteer fire company in Connecticut, and possibly the United States, this company has been providing an invaluable service to Yantic and the city of Norwich for 150 years.

The Yantic Fire Company was created on June 17, 1847, when the Connecticut General Assembly approved its application for charter. The official name of the fire company was Yantic Fire Company No. 1. Rich in tradition and history, this company is unique for many reasons. It still houses some of its original equipment, including an 1847 Waterman hand tub, an 1891 Silsby steamer, and a Silsby hose carriage. These pieces, well maintained and restored, are national treasures.

In July, the Village of Yantic will host a parade in honor of the Yantic Fire Engine Company's 150 years of service. This sure-to-be impressive celebration will include over 100 fire

companies and numerous marching groups.

I applaud the efforts of the Yantic Fire Engine Company to commemorate their distinguished history. This fire company has worked hard, with pride and distinction to ensure the health and safety of the members of its community. I join with them in paying tribute to those who have given their lives to protecting others, while serving the Yantic Fire Engine Company.•

TRIBUTE TO THE RECIPIENTS OF THE FIFTIETH ANNIVERSARY POLICE ATHLETIC LEAGUE AWARD

• Mr. SANTORUM. Mr. President, the Police Athletic League of Philadelphia (PAL) is celebrating fifty years of serving the youth of Philadelphia. I rise today to congratulate the dedicated men and women who have made this great success possible.

For five decades, PAL has offered an attractive alternative to street life by cultivating friendships between police officers and children. PAL currently sponsors constructive activities such as sports, substance abuse education, and tutoring programs for more than 24,000 boys and girls of Philadelphia. By providing friends, mentors, and role models for these young people, PAL has helped improve the quality of life for countless children. PAL teaches children to learn, to aspire, and to achieve. The positive impact of this program extends beyond those who are directly involved; this program benefits the entire Philadelphia community.

As we salute this program, we must also celebrate the dedication of those who have worked tirelessly to make it effective. I would also like to take this opportunity to commend the seven outstanding recipients of the 50th Anniversary PAL Award. Congratulations to Sally Berlin, John K. Binswanger, Steven Head, Lewis Klein, Ronald A. Krancer, James F. McCabe, and James E. Schleif. The efforts of these individuals to promote the safety of our children deserve the highest honor. Their service to those in need is truly inspirational.

Mr. President, I congratulate these men and women who have worked to make a difference in the lives of so many children, and I ask my colleagues to join me in recognizing them. On behalf of the Senate, I offer the recipients of the 50th Anniversary PAL Award best wishes for continued success.

Thank you, Mr. President.•

NATIONAL LIBRARY WEEK

• Mr. SARBANES. Mr. President, this week from April 13 to 19 we are celebrating the 39th anniversary of National Library Week. As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to take this opportunity to draw my colleagues' attention to this important occasion and to take a few moments to reflect on the significance of libraries to our Nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the same principle of free and open exchange of ideas as the Constitution itself. Libraries have always been an integral part of all that our country embodies: Freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by traveling libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries gain even further significance in this age of rapid technological advancement where they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide audio-visual materials, computer services, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network which provides interlibrary loans to the State's public, academic, special libraries, and school library media centers. The network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in western, southern, and Eastern Shore counties, and a statewide data base of holdings of over 140 libraries.

The result of this unique joint State-county resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service by borrowing more public library materials per person than citizens of almost any other State, with 67 percent of the State's population registered as library patrons.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the Nation in this week's celebration of National Library Week. I look forward to a continued close association with those who enable libraries to provide the unique and vital services available to all Americans.•

PALESTINIAN TERRORISM AGAINST ISRAEL

• Mr. ASHCROFT. Mr. President, I rise to condemn the resurgence of terrorism against Israel. We have all watched with concern as a seemingly strong peace process has been assaulted with senseless acts of violence. Most troubling to me is the role Palestinian leadership has played in facilitating that terrorism. Yasser Arafat's failure to combat consistently terrorist activity in territory administered by the Palestinian Authority is the greatest single threat to achieving a lasting peace settlement in the Middle East.

In the last few years, the Palestinian Authority has allowed terrorist attacks to reach atrocious levels of violence before finally responding to suppress these criminals. In 1996, four suicide bombings in Israel killed 59 people before Mr. Arafat got serious about combating terrorist networks in Palestinian territory. The Palestinian Authority arrested Islamic extremists, censored mosque sermons, and finally jailed almost all known operatives of Hamas and Islamic Jihad. The crackdown was successful and resulted in almost a year of silence from Hamas.

Last week's suicide bombing in Tel Aviv broke that silence, however, and revived longstanding concerns about Arafat's willingness to use terrorism as a tool of leverage in the peace process. Beginning last August, Arafat gradually released 120 of 200 Islamic activists that Israel identified as security threats. Of those 120 activists, 16 were allegedly involved in terrorist acts that killed Israelis. To make matters

worse, Arafat permitted five of the known terrorists to enter his security forces in Gaza and appointed a Hamas spokesman, Emad Falouji, to his Cabinet. Arafat also hired Adnan Ghol, one of Israel's most wanted Hamas terrorists for building the bomb used in a bus attack last year, to serve in his intelligence service in Gaza.

In his visit to the United States in early March, Arafat was warned by the United States of the danger of releasing known terrorists. Such warnings went unheeded as Arafat returned to Palestine and promptly released the most senior remaining terrorist leader, Ibrahim Maqadmeh. Maqadmeh could very well have been involved in the March 21 Tel Aviv suicide bombing. Arafat claims his release of terrorist operatives is meant to bring all elements of Palestinian society into the peace process, but it is clear that such actions merely give a green light to terrorist attacks.

Mr. President, I am troubled by the deterioration of the Middle East peace process and alarmed by the release of known terrorists from Palestinian jails. Terrorists are not welcome at the table of peace, and I call upon the Clinton administration to address this issue more forcefully in future discussions with Palestinian officials. The April 10 joint raid by Israeli and Palestinian security forces on a Hamas terrorist cell in the West Bank is a constructive step to rebuild security cooperation between Israel and the Palestinian Authority. It is my sincerest hope that Yasser Arafat and the Palestinian Authority will suppress terrorism at every turn and consistently adopt policies that preserve the security of both Israel and the occupied territories. When Palestinian terrorism ends, sincere negotiations for a lasting peace can truly begin.•

TRIBUTE TO JANET CUMMINGS AND PETER GOOD

• Mr. DODD. Mr. President, I rise today to honor two Connecticut citizens whose art, talent, and marriage are truly inspirational—Janet Cummings and Peter Good.

On April 30, Janet and Peter will receive the University of Connecticut's highest honor—the University Medal. The University Medal recognizes outstanding professional achievement, leadership, and distinguished public service on a community, State, national, or international level. As a resident of East Haddam, which is just across the Connecticut River from their home in Chester, I have long been familiar with their impressive contributions to Connecticut's artistic community, and I am very pleased that the University of Connecticut has chosen to honor their careers.

Janet and Peter first met while attending UConn's Fine Arts College in the mid-1960's, and for more than 20 years they have worked together at their own graphic design studio in the river-valley town of Chester. The philosophy of their design studio, Cummings & Good, has been to extend their own nurturing and collaborative relationship to their clients. This philosophy has proven to be immensely successful, as they have done work for many respected corporate clients.

This commercial success has allowed Cummings & Good to sustain the cost of providing quality design, but, perhaps more important, it has allowed the studio to do an inordinate amount of work for nonprofit organizations. Cummings & Good has provided designs for the International Year of the Child, the National Theatre of the Deaf in Chester, Wadsworth Atheneum in Hartford, and the Special Olympics, which were held in New Haven in 1995.

On a personal level, Peter's design of the symbol for the University of Connecticut's year-long symposium "Fifty Years After Nuremberg: Human Rights and the Rule of Law," holds special significance for me. This symposium began with the opening and dedication of the Thomas J. Dodd Research Center, which was named for my father who served as a prosecutor at the Nuremberg tribunal. The dedication of this center was one of the proudest moments of my life, and Peter's design truly captured the spirit and essence of the event.

I am also particularly fond of Peter's designs for the U.S. Postal Service's official 1993 holiday stamps. In fact, I reproduced the image of these stamps for the front of my 1993 Christmas card, and I greatly appreciate Peter's kind permission to use his designs for this purpose.

It's hard to imagine two more deserving recipients of this award than Janet and Peter, and I congratulate the University of Connecticut for its decision to bestow its highest honor on two members of the artistic community. The arts are at the root of our Nation's cultural heritage, and if we fail to promote the arts and recognize the achievements of creative individuals like Janet Cummings and Peter Good, we run the risk of becoming a society that is devoid of passion and imagination.

Again, I congratulate Janet Cummings and Peter Good on receiving University Medals, and I hope that they will enjoy at least 30 more years of collaborating in art and marriage.•

LOAN INTEREST FORGIVENESS FOR EDUCATION ACT

• Mr. GRASSLEY. Mr. President, I want to let my colleagues know that I have introduced legislation to make it easier for all Americans to bear the cost of a higher education. My legislation, which I offer with my colleague, Senator MOSELEY-BRAUN, would restore the deduction on the interest paid on student loans, which was eliminated in the 1986 Tax Reform Act.

This bill is a simple, direct proposal. Under this legislation, those who are paying off student loans will be able to claim a deduction for that amount and they would be able to claim this deduction for the time it takes to repay the loan.

When we think of investing money, we often think of investing in things—machines, natural resources, or businesses. This measure is an investment in human capabilities and talents. This bill will send the message to college students across America that their intellectual talents are valued and are worth the investment of tax dollars. Students need to know the Federal Government and the Nation value their contributions of the mind.

Then, I believe they will have a greater appreciation of the effort necessary to successfully complete a higher education.

And, increasingly, a higher education is the starting point on a successful career path. According to the Department of Labor, by the year 2000, more than half of all new jobs created will require an education beyond high school.

However, at the same time as a higher education has become increasingly necessary, it has also become increasingly expensive. In the last 10 years, total costs at public college has increased by 23 percent and at private colleges by 36 percent.

According to the General Accounting Office, this means that over the last 15 years, tuition at a public 4-year college or university has nearly doubled as a percentage of median household income. Accordingly to the Congressional Research Service, the best data available indicates that students graduating from a 4-year program leave that institution with an average loan debt of about $10,000. This, of course, represents a significant burden in itself. However, at the current capped rate of 8.25 percent for the basic Federal student loan program, students also bear nearly $1,000 in interest debt. For individuals just starting out, this extra burden adds insult to injury. We, in the Congress, can send the signal that we value higher education and recognize the financial responsibility students have by restoring the deduction on the interest on student loans.

Furthermore, this proposal is more affordable than what the President has proposed. His tuition deduction which received cost estimates ranging from $36 to $42 billion. What I and my college from Illinois are proposing addresses interest cost, which, of course, is a percentage of tuition cost. I believe our proposal provides college students with the help they really need, while at the same time being fiscally manageable. That is why I urge my colleagues

on both sides of the aisle to join Senator MOSELEY-BRAUN and I in supporting the Loan Interest Forgiveness for Education Act.•

THE 50TH ANNIVERSARY OF LARRY DOBY'S JOINING THE AMERICAN LEAGUE

• Mr. LAUTENBERG. Mr. President, another season of baseball is underway, and all of us are enjoying the crack of a bat on a hard hit ball and the thrill of a stolen base. But while this season has brought us the familiar sights and sounds, it also recalls a very special anniversary. Nineteen ninety-seven marks the 50th anniverary of the breaking of major league baseball's color barrier.

In April 1947, Jackie Robinson played his first game with the National League's Brooklyn Dodgers and ended segregation in our national pastime; simultaneously, he entered America's pantheon of heroes.

Mr. President, while we rightfully honor Mr. Robinson, we cannot forget that heroes rarely fight their battles alone. Unfortunately, we have largely ignored those other African-American baseball players who broke that barrier with Robinson.

Only 11 weeks after Jackie Robinson first graced a major league baseball diamond, Larry Doby, of Paterson, N.J., took the field with the Cleveland Indians, becoming the first African-American player in the American League. Once on the team, he brought an ability and a consistency to the game which few could match. He was the first African-American player to hit a home run in a World Series, and he was named to six straight American League All-Star teams. During his 13-year career, he attained a .283 lifetime batting average and hit 253 home runs.

But Larry Doby was not only an exciting player, he was also a courageous individual. He ignored the vile epithets hurled at him by both fans in the stands and opposing players on the field. After a road game, his teammates would go back to their hotel and make plans for the evening. Thanks to specter of Jim Crow, Mr. Doby would have to go, alone, to his own dingy hotel room in the black part of town.

Because of the manner in which he handled such adversity, many other African-American players followed him to the major leagues, and we all learned that, in the words of Dr. Martin Luther King, we must judge a person on the content of his character and not the color of his skin. In a recent New York Times article, Mr. Doby himself observed, "If Jack and I had a legacy, it is to show that teamwork, the ability to associate and communicate, makes all of us stronger." And by their example, Mr. President, we definitely are a stronger nation.

Mr. President, Larry Doby is rightfully called a legend for his consistency on the field and a hero for his character off the field. But I have the privilege of also calling him a friend. We grew up together on the working class streets of Paterson, N.J. As working class kids, we shared a simple philosophy—if you do what you love, and you do it well, that's its own reward. And that reminds me of one of my favorite anecdotes about Larry.

After his first game in July 1947, the owner of the Cleveland Indians, the renowned Bill Veeck, told Larry, "You are going to make history." Doby recalls that he thought to himself, "History? I just want to play baseball."

In 1975, Larry became the manager of the Chicago White Sox. Today, at the age of 72, he is still involved with the game, working for major league baseball in its Manhattan offices. But at one time, he was an American who just wanted to play baseball. And, given the opportunity, he played with skill and grace—and he made history.

When it comes to Larry, others may have filled his uniform, but no one will ever be able to fill his shoes. Larry Doby proves that good and great can exist in the same individual.•

ELLEN WARREN JOINS CHICAGO JOURNALISM HALL OF FAME

• Mr. DURBIN. Mr. President, I rise today to call to the attention of my colleagues a creative and talented journalist from my State—Ellen Warren. I am pleased to announce that Ellen will be inducted into the Chicago Journalism Hall of Fame on April 18.

Chicago, as many of my colleagues know, has a reputation earned over many years as a place where the news business is taken seriously, by practitioners and consumers alike. By elected officials too, I might add.

From the perceptive observations of Finley Peter Dunne's Mr. Dooley through the "Front Page" days of Ben Hecht to the latter day insights of Mike Royko, Chicago journalism has been of the highest quality—aggressive, competitive, and literary all at the same time.

This year, the name of Ellen Warren of the Chicago Tribune will be among those added to the honor roll of journalists who have, over the course of a career, produced the highest quality work in one of the toughest news markets in the country.

Ellen began her career in 1969 at the City News Bureau of Chicago, a legendary training ground for reporters. At the Chicago Daily News, she was a foreign correspondent as well as the first woman ever permanently assigned to the City Hall beat. At the Chicago Sun-Times, she covered, at various times, Congress, the Supreme Court, and the Carter White House. For Knight-Ridder newspapers, she covered the Bush White House. Since 1993, she has been based in Chicago and has carried out numerous assignments for the Tribune, including that of columnist and political writer.

Ellen Warren has gone about her job with flair, honesty, and dedication. I happen to know that she also is a hall of fame-level wife and mother. For all of her accomplishments, I wish to add my congratulations to Ellen Warren on this occasion of her induction into the Chicago Journalism Hall of Fame.•

TRIBUTE TO MICHAEL GOLDBLATT

• Mr. DODD. Mr. President, I rise today to pay tribute to Michael Goldblatt, who was recently honored as Citizen of the Year by the Eastern Connecticut Chamber of Commerce.

A longtime civic leader and lifelong resident of Norwich, CT, Michael has utilized his passion for antique cars and ice skating to help better the local community.

In 1986 he founded the Eastern Connecticut Antique Auto Show. Currently in its 12th year, the show serves as one of the largest and most successful fundraising events for the chamber of commerce. Today, he is still on the show's executive board and is its chief technical judge.

What's more, he was the catalyst for efforts to build the Norwich Municipal Ice Rink, which today is home for the New England Sharks Double A youth hockey program.

Starting with virtually no financial resources, Michael mobilized local officials and helped raise millions of dollars to make his dream of a year-round, fully enclosed ice rink a reality.

Michael Goldblatt also serves as treasurer of the Norwich Community Development Corp. and has been a member of the board of directors for the Eastern Connecticut Chamber of Commerce, the Norwich Recreation Advisory Board, and the Connecticut Society of CPA's.

In all his endeavors, Michael has been a tremendous asset to both the city of Norwich and to the entire State of Connecticut. His humanitarian and altruistic efforts are an example that all Americans should emulate.

I commend the Eastern Connecticut Chamber of Commerce on their fine choice and I once again congratulate Michael on his selection as Citizen of the Year. He is a deserving choice.•

REGARDING TERRORIST GRENADE ATTACK IN CAMBODIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 69 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 69) expressing the sense of the Senate regarding the March 30, 1997 terrorist grenade attack in Cambodia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 69

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack on party officials of the Buddhist Liberal Democratic Party in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack; and

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack.

MAKING TECHNICAL CORRECTIONS IN THE HIGHER EDUCATION ACT OF 1965

Mr. FRIST. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 914 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data exposures.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I rise today to speak about one of the provisions contained in H.R. 914 which is necessary for the 315,000 public school children of New Mexico. The specific provision involves the New Mexico Department of Education's intent to take credit for $30 million of Federal impact aid funds.

New Mexico is one of three States in the country which uses an equalization formula to distribute educational moneys among its school districts. Presently, 40 out of New Mexico's 89 school districts qualify for 30 million dollars' worth of impact aid. The New Mexico Department of Education relies on impact aid in calculating the amount of State funds which will be used to equalize educational funding among all 89 school districts.

Without this legislation, the New Mexico Department of Education would not be permitted to consider $30 million of impact aid in its formula for distributing State education moneys among its school districts. The inability to consider Federal funds would create an imbalance in the distribution of educational funds between non-impact aid school districts and impact aid school districts.

This legislation allows the U.S. Department of Education to recognize as timely New Mexico's written notice of intent to consider impact aid payments in providing State aid to school districts for the 1997–98 school year.

AMENDMENT NO. 46

(Purpose: To make amendments relating to a date extension and to make changes in the program under title VIII of the Elementary and Secondary Education Act of 1965)

Mr. FRIST. Mr. President, I understand Senator JEFFORDS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for Mr. JEFFORDS, proposes an amendment numbered 46.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. 2. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 3. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 4. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 5. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 46) was agreed to.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 914), as amended, was deemed read the third time and passed.

ORDERS FOR THURSDAY, APRIL 17, 1997

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Thursday, April 17. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that there then be a period for the transaction of morning business until the hour of 2 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator BENNETT, 1 hour; Senator CONRAD, 10 minutes; Senator DASCHLE, or his designee, 1 hour; Senator COVERDELL, or his designee, in control of the time from 1 to 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow, following the period of morning business, it is hoped that the Senate will be able to begin consideration of S. 495. That bill, which will be discharged from the Judiciary Committee, is regarding the unlawful use or transfer of chemical weapons. It is hoped that we will be able to reach an agreement on that bill which would allow the Senate to complete action of S. 495 following a couple of hours of debate. All Senators can therefore expect rollcall votes on Thursday, possibly mid to late afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:21 p.m., adjourned until Thursday, April 17, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 1997:

DEPARTMENT OF STATE

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OLIVIA A. GOLDEN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE MARY JO BANE, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

GINA MCDONALD, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998, VICE LARRY BROWN, JR., TERM EXPIRED.

BONNIE O'DAY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1998. (REAPPOINTMENT)